

# JOURNAL of THE SENATE State of West Virginia

**EIGHTY-SIXTH LEGISLATURE**

Regular Sixty-Day Session, 2024

First Extraordinary Session, 2024

Second Extraordinary Session, 2024

**VOLUME I**



NOTE: The first volume of this four-volume Official Senate Journal starts with proceedings proper of the Second Regular Session of the Eighty-Sixth Legislature from January 10, 2024, to February 23, 2024, ending with page 1048 of the Regular Session.

The Index of the Official Journal and the proceedings of the First and Second Extraordinary Sessions of 2024 are shown in Volume IV.



# JOURNAL of THE SENATE State of West Virginia

**EIGHTY-SIXTH LEGISLATURE**

Regular Sixty-Day Session, 2024



NOTE: The Second Regular Session of the Eighty-Sixth Legislature convened on January 10, 2024, and concluded the sixty-day constitutional session with final adjournment at 11:45 p.m., March 9, 2024.

This session 2,576 bills were introduced in the two houses.

Members of the Senate, officers, and standing committee membership lists precede the Official Regular Session Journal and are shown hereinafter.

PUBLISHED UNDER THE DIRECTION OF  
LEE CASSIS, *Senate Clerk*

---

**STAFF**

Kristin Jones, *Assistant Clerk*

Lori Nichols, *Journal Clerk*

Xris Hess, *Bill History Clerk*

# SENATE OF WEST VIRGINIA MEMBERS, OFFICERS, AND STANDING COMMITTEES

## REGULAR SESSION, 2024

### OFFICERS

*President:* Craig Blair, (R), Martinsburg  
*President pro Tempore:* Donna J. Boley, (R), St. Marys  
*Clerk:* Lee Cassis, Charleston  
*Sergeant at Arms:* David Lavender, Hurricane  
*Doorkeeper:* Jeffrey L. Branham, Cross Lanes

<b>District</b>	<b>Name</b>	<b>Address</b>
First .....	*Laura Wakim Chapman, (R) .....	Wheeling
	Ryan W. Weld, (R) .....	Wellsburg
Second .....	*Charles H. Clements, (R) .....	New Martinsville
	Michael J. Maroney, (R) .....	Glen Dale
Third .....	*Michael T. Azinger, (R) .....	Vienna
	Donna J. Boley, (R) .....	St. Marys
Fourth .....	Amy N. Grady, (R) .....	Leon
	*Eric J. Tarr, (R) .....	Scott Depot
Fifth .....	Robert H. Plymale, (D) .....	Huntington
	*Michael A. Woelfel, (D) .....	Huntington
Sixth .....	*Mark R. Maynard, (R) .....	Wayne
	Chandler Swope, (R) .....	Bluefield
Seventh .....	Rupie Phillips, (R) .....	Lorado
	*Mike Stuart, (R) .....	South Charleston
Eighth .....	*Mark Hunt, (R) .....	Charleston
	<sup>1</sup> Glenn D. Jeffries, (R) .....	Red House
Ninth .....	*Rollan A. Roberts, (R) .....	Beaver
	David Stover, (R) .....	Maben
Tenth .....	*Vince S. Deeds, (R) .....	Renick
	Jack David Woodrum, (R) .....	Hinton
Eleventh .....	*Bill Hamilton, (R) .....	Buckhannon
	Robert L. Karnes, (R) .....	Helvetia
Twelfth .....	Patrick S. Martin, (R) .....	Jane Lew
	*Ben Queen, (R) .....	Bridgeport
Thirteenth .....	Mike Caputo, (D) .....	Rivesville
	*Michael A. Oliverio II, (R) .....	Morgantown
Fourteenth .....	Randy E. Smith, (R) .....	Terra Alta
	*Jay Taylor, (R) .....	Grafton
Fifteenth .....	Craig Blair, (R) .....	Martinsburg
	*Charles S. Trump IV, (R) .....	Berkeley Springs
Sixteenth .....	*Jason Barrett, (R) .....	Martinsburg
	Patricia Puertas Rucker, (R) .....	Harpers Ferry
Seventeenth .....	Eric Nelson, Jr., (R) .....	Charleston
	*Tom Takubo, (R) .....	Charleston

\*Elected in 2022 to full four-year term.

<sup>1</sup> Changed party affiliation from Democrat to Republican on December 1, 2022.

Democrats .....	3
Republicans .....	<u>31</u>
Total .....	34

## **STANDING COMMITTEES OF THE SENATE**

**2024**

---

### **AGRICULTURE AND NATURAL RESOURCES**

Senators Hamilton (*Chair*), Deeds (*Vice Chair*), Grady, Jeffries, Karnes, Phillips, Smith, Stover, Stuart, Swope, Taylor, Woodrum, and Woelfel.

### **BANKING AND INSURANCE**

Senators Azinger (*Chair*), Oliverio (*Vice Chair*), Barrett, Boley, Clements, Maroney, Nelson, Queen, Tarr, and Plymale.

### **CONFIRMATIONS**

Senators Boley (*Chair*), Chapman (*Vice Chair*), Azinger, Martin, Phillips, Takubo, Tarr, Weld, and Caputo.

### **ECONOMIC DEVELOPMENT**

Senators Jeffries (*Chair*), Martin (*Vice Chair*), Chapman, Hamilton, Hunt, Nelson, Oliverio, Phillips, Queen, Roberts, Stover, Stuart, Swope, Tarr, and Plymale.

### **EDUCATION**

Senators Grady (*Chair*), Clements (*Vice Chair*), Azinger, Boley, Chapman, Deeds, Maynard, Oliverio, Roberts, Stover, Taylor, Trump, and Plymale.

### **ENERGY, INDUSTRY, AND MINING**

Senators Smith (*Chair*), Queen (*Vice Chair*), Barrett, Boley, Karnes, Martin, Nelson, Oliverio, Phillips, Stover, Stuart, Swope, Taylor, and Caputo.

### **ENROLLED BILLS**

Senators Woodrum (*Chair*), Roberts (*Vice Chair*), Jeffries, Maynard, and Woelfel.

## SENATE COMMITTEES

### FINANCE

Senators Tarr (*Chair*), Phillips (*Vice Chair*), Boley, Chapman, Clements, Jeffries, Maroney, Nelson, Oliverio, Queen, Roberts, Smith, Swope, Takubo, Woodrum, and Plymale.

### GOVERNMENT ORGANIZATION

Senators Woodrum (*Chair*), Barrett (*Vice Chair*), Hamilton, Hunt, Jeffries, Maroney, Phillips, Queen, Smith, Stuart, Swope, Weld, and Woelfel.

### HEALTH AND HUMAN RESOURCES

Senators Maroney (*Chair*), Takubo (*Vice Chair*), Azinger, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Roberts, Rucker, Tarr, Weld, and Plymale.

### INTERSTATE COOPERATION

(*Vacancies*)

### JUDICIARY

Senators Trump (*Chair*), Weld (*Vice Chair*), Azinger, Barrett, Deeds, Hamilton, Hunt, Martin, Maynard, Rucker, Stover, Stuart, Swope, Takubo, Taylor, Caputo, and Woelfel.

### MILITARY

Senators Weld (*Chair*), Deeds (*Vice Chair*), Chapman, Clements, Maroney, Smith, Taylor, and Caputo.

### OUTDOOR RECREATION

Senators Maynard (*Chair*), Taylor (*Vice Chair*), Chapman, Deeds, Grady, Martin, Rucker, Smith, Stover, Stuart, and Caputo.

### PENSIONS

Senators Nelson (*Chair*), Hunt (*Vice Chair*), Azinger, Barrett, Clements, Grady, Hamilton, Oliverio, Queen, and Plymale.

## SENATE COMMITTEES

### **RULES**

Senators Blair (*Chair*), Takubo (*Vice Chair*), Azinger, Boley, Grady, Maroney, Nelson, Tarr, Trump, Weld, Woodrum, and Woelfel.

### **SCHOOL CHOICE**

Senators Rucker (*Chair*), Maynard (*Vice Chair*), Boley, Deeds, Karnes, Roberts, Woodrum, and Woelfel.

### **TRANSPORTATION AND INFRASTRUCTURE**

Senators Clements (*Chair*), Stuart (*Vice Chair*), Barrett, Hunt, Jeffries, Karnes, Oliverio, Phillips, Roberts, Swope, and Plymale.

### **WORKFORCE**

Senators Roberts (*Chair*), Jeffries (*Vice Chair*), Karnes, Maroney, Martin, Nelson, Smith, Stover, Tarr, Weld, and Caputo.

---

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE  
REGULAR SESSION, 2024

---

WEDNESDAY, JANUARY 10, 2024

Pursuant to section eighteen, article six of the Constitution of the State of West Virginia, which prescribes that the Legislature shall convene annually on the second Wednesday in January, the Senate assembled in its chamber in the state capitol in the City of Charleston, West Virginia, on this tenth day of January, 2024, for the second annual sixty-day session of the eighty-sixth Legislature, and at 12 Noon was called to order by the President, the Honorable Craig Blair.

Prayer was offered by Bishop Joe Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Amy N. Grady, a senator from the fourth district.

On the call of the roll, the following answered to their names:

Senators Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President).

Thirty-three members having answered to their names, the President declared the presence of a quorum.

At the request of Senator Takubo, unanimous consent being granted, the Clerk was authorized to notify the House of Delegates and Governor that the Senate has assembled, with a quorum present, and is ready to proceed with the business of this session.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communication from a state agency as required by the provisions of law:

Legislative Rule-Making Review Committee (§29A-3-12)

The Senate then proceeded to the sixth order of business.

On motions for leave, severally made, the following bills and joint resolutions were introduced and read by their titles:

[CLERK'S NOTE: Senate Bill 1 through Senate Bill 141 are recommended for introduction by the Legislative Rule-Making Review Committee and sponsored by Senator Woodrum, Cochair.]

**By Senator Woodrum:**

**Senate Bill 1**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to state-owned vehicles.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 2**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to alternative emission limitations during startup and shutdown operations.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 3**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Department of Environmental Protection to promulgate a legislative rule relating to control of particulate matter air pollution from the combustion of fuel in indirect heat exchangers.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 4**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from the operation of hot mix asphalt plants.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 5**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from the operation of coal preparation plants, coal handling operations, and coal refuse disposal areas.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 6**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of refuse.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 7**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of particulate matter air pollution from manufacturing processes and associated operations.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 8**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 9**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from the emission of sulfur oxides.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 10**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 11**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from the emission of volatile organic compounds.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 12**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 13**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of greenhouse gas emissions from existing coal-fired electric utility generating units.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 14**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the administration of the Drinking Water Treatment Revolving Fund and safe drinking water set-asides.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 15**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the hazardous waste management system.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 16**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to underground injection control.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 17**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health to promulgate a legislative rule relating to public water systems operators.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 18**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health to promulgate a legislative rule relating to wastewater systems and operators.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 19**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health to promulgate a legislative rule relating to behavioral health centers' licensure.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 20**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health to promulgate a legislative rule relating to hospital licensure.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 21**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health to promulgate a legislative rule relating to assisted living residences.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 22**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health to promulgate a legislative rule relating to cross-connection control and backflow prevention.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 23**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health to promulgate a legislative rule relating to fees for permits.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 24**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health to promulgate a legislative rule relating to fees for services.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 25**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health to promulgate a legislative rule relating to medical examiner requirements for postmortem inquiries.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 26**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health to promulgate a legislative rule relating to newborn screening system.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 27**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health to promulgate a legislative rule relating to distribution of funds from the Emergency Medical Services Salary Enhancement Fund.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 28**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health to promulgate a legislative rule relating to West Virginia Clearance for Access: registry and employment screening.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 29**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to cooperative agreement approval and compliance.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 30**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to certificate of need.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 31**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Human Services to promulgate a legislative rule relating to collection and exchange of data related to overdoses.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 32**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to chronic pain management clinic licensure.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 33**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted treatment and office-based medication-assisted treatment.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 34**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Human Services to promulgate a legislative rule relating to procedure to contest the substantiation of child abuse or neglect.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 35**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Family Protection Services Board to promulgate a legislative rule relating to domestic violence program licensure standards.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 36**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime, Delinquency, and Correction

to promulgate a legislative rule relating to law-enforcement training and certification standards.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 37**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime, Delinquency, and Correction to promulgate a legislative rule relating to protocol for law-enforcement response to domestic violence.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 38**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime, Delinquency, and Correction to promulgate a legislative rule relating to sexual assault forensic examinations.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 39**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Division of Emergency Management to promulgate a legislative rule relating to industrial accident rapid response rule.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 40**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to promulgate a legislative rule relating to the Fire Code.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 41**—A Bill to amend and reenact §64-6-3 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to promulgate a legislative rule relating to certification and evaluation of local fire departments.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 42**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to promulgate a legislative rule relating to certification of fire chiefs.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 43**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal to promulgate a legislative rule relating to certification of electrical inspectors.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 44**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal to promulgate a legislative rule relating to supervision of fire protection work.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 45**—A Bill to amend and reenact §64-6-4 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal to promulgate a legislative rule relating to electrician licensing rules.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 46**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal to promulgate a legislative rule relating to standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 47**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal to promulgate a legislative rule relating to certification of home inspectors.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 48**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia State Police to promulgate a legislative rule relating to West Virginia State Police member grievance procedures.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 49**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia State Police to promulgate a legislative rule relating to motor vehicle inspections.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 50**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to AIDS regulations.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 51**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Insurance Commissioner to promulgate a legislative rule relating to health benefit plan network access and adequacy.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 52**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Insurance Commissioner to promulgate a legislative rule relating to bail bondsmen in criminal cases.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 53**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Racing Commission to promulgate a legislative rule relating to thoroughbred racing.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 54**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Tax Department to promulgate a legislative rule relating to aircraft operated under a fractional ownership program.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 55**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Tax Department to promulgate a legislative rule relating to citizen tax credit for property taxes paid.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 56**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Tax Department to promulgate a legislative rule relating to income tax paid at the entity level by electing pass-through entities.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 57**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Tax Department to promulgate a legislative rule relating to income tax credits for property taxes paid.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 58**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Tax Department to promulgate a legislative rule relating to administration of tax on purchases of wine and liquor inside and outside of municipalities.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 59**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Tax Department to promulgate a legislative rule relating to privilege tax on sales of hemp-derived cannabinoid and kratom products.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 60**—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Division of Motor Vehicles to promulgate a legislative rule relating to motor vehicle titling.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 61**—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to dealer licensing.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 62**—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to handicapped parking permits.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 63**—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to construction and reconstruction of state roads.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 64**—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to traffic and safety rules.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 65**—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Multimodal Transportation Faculties to promulgate a

legislative rule relating to valuation of used rolling stock and equipment.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 66**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 67**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Acupuncture to promulgate a legislative rule relating to applications for licensure to practice acupuncture.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 68**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to frozen desserts and imitation frozen desserts.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 69**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to certified pesticide applicator.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 70**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to licensing to pesticide businesses.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 71**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to West Virginia molluscan shellfish.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 72**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to select plant-based derivative products.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 73**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to agritourism.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 74**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Barbers and Cosmetologists to promulgate a legislative rule relating to procedures, criteria, and curricula for examination and license of barbers, cosmetologists, nail technicians, aestheticians, and hair stylists.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 75**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the application for waiver of initial licensure fees for certain individuals.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 76**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Barbers and Cosmetologists to promulgate a legislative rule relating to cosmetology apprenticeship.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 77**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to licensing.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 78**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist licensing rule.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 79**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substances Monitoring Program database.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 80**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal requirements.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 81**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Licensed Dietitians to promulgate a legislative rule relating to continuing professional education requirements.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 82**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Licensed Dietitians to promulgate a legislative rule relating to telehealth practice, requirements, and definitions.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 83**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Election Commission to promulgate a legislative rule relating to corporate and membership organization political activity.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 84**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the State Election Commission to promulgate a legislative rule relating to regulation of campaign finance.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 85**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Election Commission to promulgate a legislative rule relating to application and approval process for Secretary of State expenditures from the County Assistance Voting Equipment Fund.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 86**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to general provisions.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 87**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to schedule of fees.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 88**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to establishment licensure.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 89**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners to promulgate a legislative rule relating to medical imaging technologists.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 90**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to licensure, practice requirements, disciplinary and complaint procedures, continuing education, and physician assistants.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 91**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 92**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to permitting and disciplinary procedures: educational permits for graduate medical interns, residents, and fellows.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 93**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Nursing Home Administrators Licensing Board to promulgate a legislative rule relating to nursing home administrators.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 94**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Optometry to promulgate a legislative rule relating to the West Virginia Board of Optometry.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 95**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Optometry to promulgate a legislative rule relating to continuing education.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 96**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Optometry to promulgate a legislative rule relating to injectable pharmaceutical agents certificate.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 97**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Optometry to promulgate a legislative rule relating to eyelid procedures.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 98**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 99**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 100**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 101**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to continuing education for licensure for pharmacists.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 102**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to registration of pharmacy technicians.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 103**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists, pharmacy interns, and pharmacy technicians.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 104**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to centralized prescription processing.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 105**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy permits.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 106**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to substitution of biological pharmaceuticals.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 107**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to the examination and licensing of professional surveyors in West Virginia.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 108**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to disciplinary and complaint procedures for psychologists.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 109**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to contested case hearing procedure.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 110**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 111**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Real Estate Commission to promulgate a legislative rule relating to schedule of fees.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 112**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Real Estate Commission to promulgate a legislative rule relating to requirements for real estate courses, course providers, and instructors.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 113**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Registered Nurses to promulgate a legislative rule relating to policies, standards, and criteria for the

evaluation, approval, and national nursing accreditation of prelicensure nursing education programs.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 114**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Registered Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 115**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Registered Nurses to promulgate a legislative rule relating to advanced practice registered nurse licensure requirements.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 116**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Registered Nurses to promulgate a legislative rule relating to fees for services rendered by the board.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 117**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Respiratory Care to promulgate a legislative rule relating to student temporary permits.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 118**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to

guidelines for the use of nicknames and other designations on the ballot.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 119**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to Combined Voter Registration and Driver Licensing Fund.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 120**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to minimum standards for election administration, infrastructure, and security.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 121**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia State Treasurer to promulgate a legislative rule relating to enforcement of the Uniform Unclaimed Property Act.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 122**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia State Treasurer to promulgate a legislative rule relating to Jumpstart Savings Program.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 123**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the West Virginia Department of Economic Development to promulgate a legislative rule relating to the operation of motorsports complexes and events.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 124**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations - licensing.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 125**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations - logger certification.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 126**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to minimum wage, maximum hours, and overtime compensation.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 127**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to licensing of elevator mechanics, accessibility technicians, and limited technicians and registration of elevator mechanic apprentices.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 128**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to safety provisions for clearing crews.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 129**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to protective clothing and equipment.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 130**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to reporting requirements for independent contractors.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 131**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to assessing health and safety violation penalties.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 132**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to the application process for the West Virginia Innovative Mine Safety Technology Tax Credit Act.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 133**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to governing the program for the sharing of information between employers.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 134**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to substance abuse screening, standards, and procedures.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 135**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to operating diesel equipment in underground mines in West Virginia.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 136**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing, and other outfitters and guides.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 137**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 138**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to revocation of hunting and fishing licenses.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 139**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to Cabwaylingo State Forest Trail System two-year pilot project permitting ATVs and ORVs.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 140**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to lifetime hunting, trapping, and fishing licenses.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 141**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Public Energy Authority to promulgate a legislative rule relating to rule to petition the Public Energy Authority for approval of decommissioning or deconstruction activities related to any coal, oil, or natural gas-fueled power plant.

Referred to the Committee on the Judiciary.

**By Senators Woodrum, Clements, Deeds, Nelson, Oliverio, Phillips, Rucker, Swope, and Tarr:**

**Senate Bill 142**—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to clarifying the deadline to file an annual report for corporations, limited partnerships, domestic limited liability partnerships, and foreign limited liability companies engaged or authorized to do business in West Virginia; and requiring certain disclosures from nongovernmental entities who solicit the purchase of or payment for a product or service from businesses with which they do not have a pre-existing commercial relationship for annual report filing means of a mailing, electronic mail, or facsimile.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Tarr, Boley, Chapman, Clements, Deeds, Oliverio, Phillips, Queen, Roberts, Rucker, Swope, Takubo, and Woodrum:**

**Senate Bill 143**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-51, relating to safety in public schools; creating the West Virginia Guardian Program; setting out purpose of the program; allowing county school boards to contract for participation in the program; defining terms; setting out the authority of independent contractors participating in the program; providing for requirements for participation; providing exclusions from participation; setting forth a limitation of liability; providing the exemptions from purchasing requirements; and providing for exclusions from state benefit programs.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Roberts, Deeds, Hamilton, Oliverio, Phillips, Queen, Rucker, Swope, Tarr, and Woodrum:**

**Senate Bill 144**—A Bill to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating to requiring each county board of education to ensure that all of its meetings are open to the public through in-person attendance and that the audio and video of its meetings are broadcast live to the public through an internet link on its website; requiring each county board to ensure that the audio and video is recorded and that the recording is also available through a link on its website; allowing meeting to continue if the live broadcast experiences a technical interruption in which the stream is discontinued or digitally interrupted; providing exception for executive session; allowing each county board to make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend; requiring the county board, if providing opportunity for the public to address the school board at a meeting, to ensure that any person expressing an interest in speaking has the opportunity in compliance with adopted procedures; requiring that speakers are treated equally; requiring that a draft of the minutes of each public board meeting include a record of the votes cast by each board member on all substantive matters and be posted to the website within two business days; establishing the duration in which the approved minutes shall remain on the website; and removing the option for a county board to join the National School Board Association.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Tarr, Boley, Hamilton, Phillips, Roberts, Swope, and Woodrum:**

**Senate Bill 145**—A Bill to amend and reenact §4-11-5 of the Code of West Virginia, 1931, as amended, relating to limiting gubernatorial authority to spend certain amounts of federal funds without appropriation from the Legislature.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Rucker, Oliverio, Phillips, Roberts, and Swope:**

**Senate Bill 146**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-19e, relating to requiring the State Superintendent of Schools to create a taskforce to consider options for direct funding of adult education learning centers; declaring legislative findings; providing for membership and meetings of the taskforce; and establishing deadlines for the taskforce to be created, to begin its meetings, and for submitting a report of recommendations to the Legislature.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Rucker, Deeds, Hamilton, Hunt, Oliverio, Phillips, Roberts, Swope, Tarr, and Woodrum:**

**Senate Bill 147**—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to adding definition of "ammunition" for purposes of the live fire requirement for obtaining a license to carry a concealed deadly weapon; and clarifying that marked rounds and training ammunition may be used in the required training course.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Hamilton, Boley, Deeds, Oliverio, Phillips, Roberts, Rucker, Swope, Tarr, and Woodrum:**

**Senate Bill 148**—A Bill to amend and reenact §20-2-33 of the Code of West Virginia, 1931, as amended, relating to establishing

an auto-renewal program for wildlife licenses; and authorizing the director to assess discounts to fees.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Swope, Boley, Nelson, Oliverio, Phillips, Tarr, and Woodrum:**

**Senate Bill 149**—A Bill to amend and reenact §7-12-3 of the Code of West Virginia, 1931, as amended, relating to municipalities required to be represented on county authority boards; and providing that only municipalities with 1,000 or more residents are required to be represented on a county authority board.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Chapman, Deeds, Hunt, Oliverio, Swope, and Tarr:**

**Senate Bill 150**—A Bill to amend and reenact §3-10-3 of the Code of West Virginia, 1931, as amended, relating to when vacancies in the office of magistrate shall be filled by election or appointment; clarifying that when a vacancy in the office of magistrate creates an unexpired term of more than three years, the vacancy shall be filled by election; and clarifying that when a vacancy in the office of magistrate creates an unexpired term of less than three years, the vacancy shall be filled by appointment.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Rucker, Boley, Chapman, Deeds, Hamilton, Hunt, Nelson, Oliverio, Phillips, Roberts, Swope, Tarr, and Woodrum:**

**Senate Bill 151**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-10-35, relating to creating the criminal offense of human smuggling; defining terms; clarifying that each person smuggled constitutes a separate offense; acknowledging prohibition against police action based on race or ethnic origin; and establishing criminal penalties.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Azinger, Boley, Deeds, Hunt, Phillips, Roberts, Rucker, Swope, Tarr, Taylor, and Woodrum:**

**Senate Bill 152**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, relating to the display of the official motto of the United States in public elementary and secondary schools and in institutions of higher education.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Azinger, Boley, Deeds, Hamilton, Oliverio, Phillips, Rucker, Swope, Tarr, and Taylor:**

**Senate Bill 153**—A Bill to amend and reenact §48-22-303 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §48-22-803; and to amend and reenact §49-4-604 and §49-4-607 of said code, all relating to adoption and parental rights; establishing a procedure for adopted children to obtain a copy of their original birth certificate and certain personal identifying information regarding their biological parents; establishing a process by which biological parents can consent to providing personal identifying information

and medical history to children who have been adopted; allowing biological parents to designate a contact preference; directing the Department of Health and Human Resources to administer records, collect personal identifying information, and charge a reasonable fee for the dissemination of noncertified copies of birth certificates; requiring the Department of Health and Human Resources to track certain information and report to the Legislative Oversight Commission on Health and Human Resources Accountability; directing the Department of Health and Human Resources to study the operation and consider alternative mechanisms to provide adoptive children with access to the medical records of their biological parents; requiring biological parents whose parental rights are terminated to provide personal identifying information to the Department of Health and Human Resources; requiring biological parents whose parental rights are terminated to provide authorization to their child's new legal guardian, a child who obtains the age of majority, or their child's lineal descendants to access their medical records upon a showing of legitimate diagnostic medical need; establishing a requirement that biological parents who seek to voluntarily relinquish their parental rights provide authorization and consent to their child's new legal guardian, a child who obtains the age of majority, or their child's lineal descendants to access their medical records upon a showing of legitimate diagnostic medical need; and authorizing the Department of Health and Human Resources to promulgate legislative rules related to these provisions.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Deeds, Hamilton, Hunt, Oliverio, Phillips, Queen, Roberts, Swope, Tarr, Taylor, and Woodrum:**

**Senate Bill 154**—A Bill to amend and reenact §60A-4-401, §60A-4-409, §60A-4-414, and §60A-4-416 of the Code of West Virginia, 1931, as amended, all relating to controlled substances violations; increasing sentences for certain controlled substances offenses; making certain offenses ineligible for suspension,

probation, or alternative sentencing; making possession of Schedule I and II narcotics and methamphetamine a felony; expressing legislative intent; authorizing reduction from felony to misdemeanor under certain circumstances; declaring a minimum period of 10 years' incarceration for the offense of drug delivery death; requiring inert substances mixed with controlled substances to be considered a controlled substance for purposes of weight measurement; setting forth a method for measurement where more than one controlled substance is in a mixture; and modifying sentences for certain offenses.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Stuart, Deeds, Hamilton, Hunt, Oliverio, Rucker, Swope, Tarr, Taylor, and Woodrum:**

**Senate Bill 155**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-18, relating to the creation of the Violent Crime Prevention Act; and requiring law enforcement to submit ballistics data to the National Integrated Ballistic Information Network for alleged use of firearm in connection with charges for certain crimes.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Swope, Boley, Oliverio, Phillips, Roberts, Tarr, and Woodrum:**

**Senate Bill 156**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to requiring certain documents that include records of wages to be considered confidential; prohibiting a governmental entity that requires a private company contracting with, or seeking to contract with, a governmental entity for a construction project to submit any document that includes records of actual wages paid to employees

from disclosing document or information contained therein to any other entity or person; permitting disclosure of such document or information to a state or federal agency; providing that any such document containing records of actual wages paid to employees shall be considered confidential and proprietary and may not be considered a public record; defining "governmental entity"; defining contents of certified payroll document; providing that any document containing records of actual wages paid to employees filed or submitted pursuant to the West Virginia Jobs Act may not be disclosed by the Division of Labor or a public authority to any other entity or person other than to a state or federal agency; and providing that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be considered confidential and proprietary and may not be considered a public record.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Hamilton, Boley, Hunt, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Swope, Tarr, and Woodrum:**

**Senate Bill 157**—A Bill to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating to the filling of vacancies in the Legislature; and providing that an individual must reside within the district he or she would represent for one year prior to appointment in order to be eligible to fill a vacancy in the Legislature.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Hamilton, Deeds, Hunt, Oliverio, Phillips, Swope, Tarr, and Taylor:**

**Senate Bill 158**—A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to creating

enhanced second and third offenses for fleeing from an officer on foot or in a vehicle; establishing criminal penalties for the new offenses; and declaring that a conviction for fleeing while under the influence of alcohol or drugs is treated as a driving under the influence conviction for licensure purposes.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Weld, Boley, Chapman, Deeds, Oliverio, Phillips, Roberts, Rucker, Swope, Tarr, and Woodrum:**

**Senate Bill 159**—A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2-1 of said code; and to amend and reenact §18-5-1a of said code, all relating to prohibiting persons who have been convicted of certain crimes against minors from holding positions on boards of education; and requiring that a candidate for county board of education include a statement on the certificate of announcement that he or she swears and affirms that he or she has not been convicted of certain crimes against minors.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Weld, Deeds, Phillips, Rucker, Swope, Tarr, and Woodrum:**

**Senate Bill 160**—A Bill to amend and reenact §61-8-9 of the Code of West Virginia, 1931, as amended, relating to indecent exposure of a person's nude penis, vagina, or anus; declaring that indecent exposure requires exposing one's nude penis, vagina, or anus; authorizing a person convicted of third offense indecent exposure for purposes of sexual gratification to be both fined and imprisoned; creating enhanced penalties for second and subsequent violations; creating the criminal offense of indecent exposure in front of minors; removing breast-feeding exemption as

unnecessary due to definition clarification; defining terms; and establishing criminal penalties for the new offense.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Nelson, Deeds, Hunt, Oliverio, Swope, Tarr, and Woodrum:**

**Senate Bill 161**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-12a, relating to creating an emeritus physician license; and providing legislative rulemaking.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senator Woelfel:**

**Senate Bill 162**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-6, relating to establishing the Summer Feeding for All Program; providing findings; directing a county-by-county assessment of non-school-day student initiative; addressing food insecurities; empowering county school boards to develop initiatives and programs for feeding students in need during summer and other non-school time periods; providing county board reporting requirements to the Office of Child Nutrition; and directing the Office of Child Nutrition to collect and distribute information regarding available food resources.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Weld, Deeds, Swope, Rucker, and Queen:**

**Senate Bill 163**—A Bill to amend and reenact §17C-5-3 of the Code of West Virginia, 1931, as amended, relating to reckless driving; establishing the aggravated felony offense of reckless

driving resulting in the death of another; and providing the criminal penalties for the offense.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senator Hunt:**

**Senate Bill 164**—A Bill to amend and reenact §61-3B-3, §61-3B-6, and §61-3B-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3B-8, all relating generally to trespass; making double damages applicable to all violations of the article; authorizing sentencing court to assess cleanup expenses; and authorizing courts presiding in cases for misdemeanor violations of the article to defer entry of judgment and dismiss the charges if payment of ordered damages is made within six months after conviction.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Woelfel, Tarr, Deeds, Swope, Rucker, and Woodrum:**

**Senate Bill 165**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-6-5a; to amend and reenact §37-6A-5 of said code; and to amend and reenact §55-3A-1 of said code, all relating to residents of recovery residences; creating pilot program for recovery residences located in Cabell County as such residences relate to landlord-tenant law; defining terms; providing that resident of recovery residence may be immediately discharged in certain circumstances; establishing procedures for removing recovery resident; establishing refund process for fees for residency or services paid to recovery residence; requiring return transportation be provided to individual transported to recovery residence from outside state of West Virginia; requiring reporting of certain

information to West Virginia Department of Health and Human Resources' Bureau for Behavioral Health; requiring West Virginia Department of Health and Human Resources' Bureau for Behavioral Health to prepare and submit written report to Joint Committee on Government and Finance and specifying minimum contents; clarifying effect on rights under the West Virginia Fair Housing Act; providing sunset date; requiring award of reasonable attorney's fees against recovery residence in certain instances; and requiring recovery residence file petition for summary relief for wrongful occupation of residential rental property in certain circumstances.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Chapman, Deeds, Hunt, Oliverio, Roberts, Rucker, Swope, Tarr, and Woodrum:**

**Senate Bill 166**—A Bill to amend and reenact §3-7-3, §3-7-6, and §3-7-7 of the Code of West Virginia, 1931, as amended, all relating to contested elections procedure update; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; requiring a recount proceeding to be completed before filing certain election contests; providing certain procedural requirements for election contests before circuit courts; providing for appeals of a decision made by a circuit court in an election contest be made to the Supreme Court of Appeals; and granting rule-making authority to the Supreme Court of Appeals regarding election contests before circuit courts.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Smith, Hamilton, Oliverio, Roberts, Swope, Tarr, Taylor, and Woodrum:**

**Senate Bill 167**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-

1-3uu, relating to authorizing county commissions to impose a health and safety fee of up to \$1 for tourism and recreational activities within the county; listing applicable activities and how fee to be calculated thereon; providing that fee may only be collected once on any seasonal or annual pass purchased for activities to which fee is applicable; establishing that fee may not be collected or imposed on activities within municipalities that have levied an amusement tax; establishing who owes fee, collection, and remittance to county; authorizing counties to promulgate administrative procedures for collection of fee; providing that the sheriff is the county's agent for collection of fee; and establishing requirements for use of proceeds from fee.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Nelson, Deeds, Hamilton, Oliverio, Phillips, Swope, Tarr, and Woodrum:**

**Senate Bill 168**—A Bill to amend and reenact §8-15-1 of the Code of West Virginia, 1931, as amended, relating to municipal fire departments; granting municipal fire marshal the authority to assist in the lawful execution of another law-enforcement officer's official duties; and clarifying that the authority to assist federal law enforcement is limited by provisions.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Takubo, Chapman, Deeds, Nelson, Oliverio, Phillips, Roberts, Rucker, Swope, Tarr, and Woodrum:**

**Senate Bill 169**—A Bill to amend and reenact §30-3-14 and §30-3-15 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31B-13-1301 of said code, all relating to authorizing physician assistants to own a business; denying a license or other authorization for physician assistants for referrals where the physician assistant has a proprietary interest; authorizing

medical corporations that have physician assistant shareholders; conforming the definition of "physician assistant" to the American Academy of Physician Associates' term for the profession; and designating the profession of physician assistant as a "professional service" for the purposes of the Uniform Limited Liability Company Act.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Weld, Takubo, Phillips, Tarr, Oliverio, Deeds, Swope, Hamilton, Queen, and Woodrum:**

**Senate Bill 170**—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to compensable diseases of certain firefighters covered by workers' compensation; establishing rebuttable presumption of injury arising out of, and in the course of, employment for certain covered firefighters that develop bladder cancer, mesothelioma, and testicular cancer; providing for conditions of the presumption; and providing that the rebuttable presumption expires on July 1, 2027, unless extended by the Legislature.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Hamilton, Smith, Taylor, Oliverio, Deeds, Swope, Rucker, and Woodrum:**

**Senate Bill 171**—A Bill to amend and reenact §7-1-3 and §7-1-3ff of the Code of West Virginia, 1931, as amended, all relating to prohibiting county commissions from adopting any ordinance, rule, license requirement, or other authorization that exceeds state law, rule, or regulation regarding agricultural operations; revoking any ordinance, rule, or regulation previously adopted by county commissions that exceeds state law, rule, or regulation regarding agricultural operations; prohibiting county commissions from adopting any ordinance, rule, regulation, or other authorization that

prohibits or alters permissible use of federal or state pesticides, herbicides, or insecticides; prohibiting county commissions from adopting ordinances that regulate dwellings or other buildings on agricultural land or operations; and requiring appointment of at-large member on county enforcement agency to have background or knowledge of agricultural operations.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Grady, Rucker, and Woodrum:**

**Senate Bill 172**—A Bill to amend and reenact §18-5A-2 of the Code of West Virginia, 1931, as amended, relating to local school improvement councils; revising council membership requirements; requiring minutes be taken at every council meeting; revising requirements pertaining to annual council meeting regarding the school's academic performance; requiring training on the role and governance of the councils and the production of a document on parent and community leader roles in the councils; and allowing public charter schools to abide by all or some of the local school improvement council requirements.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Phillips, Tarr, Oliverio, Swope, Roberts, Hamilton, and Woodrum:**

**Senate Bill 173**—A Bill to amend and reenact §17A-6A-3, §17A-6A-8a, §17A-6A-10, and §17A-6A-18 of the Code of West Virginia, 1931, as amended, all relating generally to new motor vehicle dealers, distributors, wholesalers, manufacturers, factory branches, and distributor branches; defining terms; clarifying a manufacturer's obligations for warranty and recall reimbursement to a new motor vehicle dealer; restricting manufacturer and distributor right of first refusal; identifying and clarifying unlawful

and prohibited practices; and clarifying statutory authority of dealer data systems vendor agreements.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Clements, Phillips, Tarr, Oliverio, Swope, Roberts, Nelson, Rucker, and Queen:**

**Senate Bill 174**—A Bill to amend and reenact §17-3-2 of the Code of West Virginia, 1931, as amended, relating to payments from the State Road Fund; authorizing transfer of spending authority between appropriations; and requiring reporting by the Division of Highways.

Referred to the Committee on Finance.

**By Senators Woelfel, Phillips, Swope, Rucker, and Woodrum:**

**Senate Bill 175**—A Bill to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating to the offenses of extortion and attempted extortion; including threats to publish images of a person's intimate body parts as a means of committing extortion or attempted extortion; defining the phrase "anything of value or other consideration" to include certain defined sexual acts; defining "images of intimate body parts"; and setting forth criminal penalties.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Swope, Phillips, Tarr, Oliverio, Rucker, and Woodrum:**

**Senate Bill 176**—A Bill to amend and reenact §31-15A-17c of the Code of West Virginia, 1931, as amended, relating to permissible expenditures by the Water Development Authority from the Infrastructure Fund; modifying the upper limit of funds

which may be transferred to sub account; raising the cap on total project costs for certain facilities for use of Critical Needs and Failing Systems Sub Account funding; and allowing the authority to grant infrastructure grant money from the Critical Needs and Failing Systems Sub Account to certain projects for the upgrading of a water facility or wastewater facility to reduce maintenance costs, operations costs, or waterline leakages.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Jeffries, Phillips, Oliverio, Swope, Roberts, Nelson, Hamilton, Clements, Rucker, and Woodrum:**

**Senate Bill 177**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, and §46A-6O-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that a business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays, if the offer includes a free gift or trial; providing that a business shall provide certain mechanisms for cancellation of the automatic renewal or continuous offer in the acknowledgement; requiring a business to provide contact information to the consumer; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that a business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period

of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; prohibiting certification of certain class action litigation; providing the court discretion to award plaintiff costs of the action, including reasonable attorney's fees; providing that plaintiff is not entitled to costs and attorney's fees under certain circumstances; providing a statute of limitations; providing for tolling of the statute of limitations; and providing exemptions.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Takubo, Phillips, Tarr, Chapman, Oliverio, Deeds, Swope, Roberts, Hamilton, Hunt, Clements, and Woodrum:**

**Senate Bill 178**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-63-1, §33-63-2, §33-63-3, and §33-63-4, all relating to dental health care service plans; providing for transparency of expenditures of patient premiums; requiring carriers to file annual reports; requiring annual rebates in the form of premium reductions if funds spent for patient care is less than a certain percentage of

premium funds; and providing for legislative and emergency rulemaking.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Takubo, Phillips, Oliverio, Deeds, Swope, Roberts, Clements, and Woodrum:**

**Senate Bill 179**—A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended, relating to service of parties in child abuse and neglect matters; requiring the sheriff to serve the abuse and neglect petition and notice of a preliminary hearing without compensation; clarifying the procedure for notices of subsequent hearings and service via publication; and exempting the sheriff from further obligations to provide service, mailings, or publications after serving the petition and notice of preliminary hearing.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senator Takubo:**

**Senate Bill 180**—A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Economic Development, Office of the Secretary, fund 0256, fiscal year 2024, organization 0307, by supplementing and amending chapter 8, Acts of the Legislature, Regular Session, 2023, known as the budget bill for the fiscal year ending June 30, 2024.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senator Stuart:**

**Senate Bill 181**—A Bill to amend and reenact §17A-3-14g of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18B-10-7e; and to amend said code by adding thereto a new article, designated §29-37-1, §29-37-2, and §29-37-3, all relating to establishing the First Responder Financial Assistance Act; creating a surcharge for the purpose of vanity license plate purchases to be deposited into the First Responder Financial Assistance Fund; providing for a tuition waiver for first responders; providing for definitions; establishing the act; providing certain benefits for first responders; and providing a fund for the act.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senator Stuart:**

**Senate Bill 182**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-3-7, relating to permitting the Attorney General to prosecute certain offenses in limited circumstances.

Referred to the Committee on the Judiciary.

**By Senator Woelfel:**

**Senate Bill 183**—A Bill to amend and reenact §61-8B-3 and §61-8B-5 of the Code of West Virginia, 1931, as amended, all relating to eliminating the marital exception to criminal prosecution of sexual assault offenses.

Referred to the Committee on the Judiciary.

**By Senator Woelfel:**

**Senate Bill 184**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-26, relating to authorizing a child or child care tax credit.

Referred to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 185**—A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia State Police; and providing that troops shall be allocated by the superintendent to counties based on the 2020 Census.

Referred to the Committee on Government Organization.

**By Senator Phillips:**

**Senate Bill 186**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8H-1, §31A-8H-2, §31A-8H-3, and §31A-8H-4, all relating generally to prohibiting financial institutions from discriminating against firearms businesses; specifying civil remedies; providing for attorneys' fees and costs for a successful action; providing a statute of limitations on civil actions; providing for potential loss of state business to a financial institution found to have violated this article; and providing for an effective date.

Referred to the Committee on the Judiciary.

**By Senator Phillips:**

**Senate Bill 187**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-11-11a; and to amend and reenact §33-3-33 of said code, all relating to fire department recruitment and retention; creating the Fire Service Recruitment and Retention Fund; establishing that the purpose of the fund is to provide grants for recruitment and retention purposes; requiring the State Fire Commission to create a grant program; establishing considerations for awarding grants; providing for rulemaking; requiring State Fire Commission to verify eligibility volunteer fire departments with Legislative Auditor; raising policy surcharge to one percent; and allocating disbursements to various funds.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 188**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2P-1, §5B-2P-2, §5B-2P-3, §5B-2P-4, §5B-2P-5, §5B-2P-6, §5B-

2P-7, §5B-2P-8, §5B-2P-9, §5B-2P-10, §5B-2P-11, §5B-2P-12, and §5B-2P-13, all relating to creating the Mountain Homes Act; setting out a short title; setting out legislative findings; defining terms; authorizing rulemaking; providing an effective date; providing for a sunset date; creating the Mountain Homes Fund; providing for the purposes of the fund; providing for administration of the fund; providing for recordkeeping; requiring reporting to the Joint Committee on Government and Finance and the Governor; setting out required elements for the report; exempting certain materials from the Freedom of Information Act; establishing criteria for eligibility for use of funds; requiring an application for use of funds; setting out elements necessary to be included on the application; providing for exclusions from use of funds; providing for application approval; establishing evaluation standards and criteria; providing for a final agreement; setting out terms of the agreement; allowing for an extension of time; requiring adjacent properties to be subject to additional approval; providing for administration of the act; setting out powers and duties of the Department of Economic Development; and providing for a criminal penalty for a false statement.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 189**—A Bill to amend and reenact §18-3-6 of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education, county superintendents, employees of county boards of education, and the West Virginia Public Employees' Grievance Board to give substantial deference to the State Superintendent's interpretations of school law or State Board of Education rules; and providing exceptions to substantial deference requirement.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 190**—A Bill to amend and reenact §61-8B-1 of the Code of West Virginia, 1931, as amended, relating to modifying

the definition of "sexual contact"; and removing the element that the parties not being married to each other from the definition.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 191**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §37-16-1, §37-16-2, §37-16-3, §37-16-4, §37-16-5, §37-16-6, §37-16-7, §37-16-8, and §37-16-9, all relating to real property conveyed by land installment agreement; providing definitions; laying out land installment contract requirements; providing for vendor requirements; providing for the condition of forfeiture, notice of default, and right to cure; defining the effect of vendor's default on lien on property; spelling out contrary provisions; defining interest; providing for remedies; and clarifying the Truth in Lending Act.

Referred to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 192**—A Bill to amend and reenact §30-7-15 of the Code of West Virginia, 1931, as amended, relating to updating the requirements for a certified registered nurse anesthetist to administer anesthetics in cooperation with a physician or dentist.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 193**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31; to amend said code by adding thereto a new section, designated §26-5-2; and to amend said code by adding thereto a new section, designated §26-9-3, all relating to providing long-term care and substance abuse treatment; authorizing the Secretary of the Department of Health and Human Resources to modernize or build new facilities; requiring certified beds for long-term care and substance-abuse treatment; requiring facilities for out-patient substance-abuse treatment; requiring the hiring of adequate professional, classified staff; and replacing an outdated reference

to Pinecrest Hospital with the correct name of Jackie Withrow Hospital.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Azinger:**

**Senate Bill 194**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2S-1, §16-2S-2, §16-2S-3, §16-2S-4, §16-2S-5, §16-2S-6, §16-2S-7, and §16-2S-8, all relating to prohibiting gender transition surgeries, treatments, and therapies to minors; establishing penalties for practitioners in violation of regulations; safeguarding the mental and physical health of minors; prohibiting political subdivisions from enacting conflicting policies; creating whistleblower protection; and prohibiting taxpayer subsidization of gender transition treatments.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 195**—A Bill amend and reenact §61-8-9 and §61-8-27 of the Code of West Virginia, 1931, as amended; to amend and reenact §61-8A-1 of said code; and to amend and reenact §61-9-1, §61-9-3, §61-9-4, §61-9-5, §61-9-6, §61-9-8, §61-9-9, and §61-9-10, all generally related to protecting minors from exposure to indecent displays of a sexually explicit nature, including but not limited to, transvestite and/or transgender exposure in performances or displays to minors.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 196**—A Bill to amend and reenact §5B-1A-1, §5B-1A-2, §5B-1A-3, §5B-1A-4, §5B-1A-5, §5B-1A-6, and §5B-1A-9 of the Code of West Virginia, 1931, as amended, all relating to establishing the West Virginia Rail Trails Program consisting of rail-to-trail and rail with trail programs; updating definitions to include a definition of "rail with trail"; expanding State Rail

Authority to acquire railroad rights-of-way and land for both trail programs; clarifying that rail-to-trail program may not unreasonably limit ability to restore rail service on railroad rights-of-way; and expanding limitation of and exception to liability to railroad owners under certain circumstances.

Referred to the Committee on Outdoor Recreation; and then to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 197**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-29; and to amend and reenact §61-8A-1 of said code, all relating to the prohibition of obscene materials in or within 2,500 feet of West Virginia schools; and defining criminal penalties for obscene materials in or within 2,500 feet of West Virginia schools.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 198**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to the teaching of divisive acts and critical race theory in West Virginia schools; providing definitions; prohibiting public schools and charter schools from teaching or training students to believe certain divisive concepts; allowing a teacher to be dismissed or not re-employed for teaching or training students to believe certain divisive concepts; providing certain construction; providing for promulgation of rules; providing for codification; and providing an effective date.

Referred to the Committee on Education.

**By Senator Azinger:**

**Senate Bill 199**—A Bill to amend and reenact §61-8-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-14-1, §61-14-6, §61-14-8, and §61-14-9 of said code, all relating to increasing protection for minor victims of the crime of human trafficking; and modifying terms.

Referred to the Committee on the Judiciary.

**By Senator Oliverio:**

**Senate Joint Resolution 1**—Proposing an amendment to the Constitution of the State of West Virginia, amending article IX thereof, by adding thereto a new section, designated section 14, relating to permitting the Legislature to redraw and/or combine counties every 100 years as it deems fit; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Karnes:**

**Senate Joint Resolution 2**—Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof, by adding thereto a new section, designated section 23, relating to the right to farm and ranch; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Chapman:**

**Senate Joint Resolution 3**—Proposing an amendment to the Constitution of the State of West Virginia by repealing Amendment 3 – the Good Roads Amendment of 1920, repealing Amendment 4 – The Good Roads Amendment of 1928, repealing Amendment 5 – Fifty Million Dollar Bond Issue for Roads Amendment, repealing Amendment 8 – Better Roads Amendment, repealing Amendment 9 – Roads Development Amendment, repealing Amendment 11 – Better Highways Amendment, repealing Amendment 16 – Safe Roads Amendment of 1996, repealing Amendment 18 – Roads to Prosperity Amendment of 2017, and amending the amendments portion of the Constitution of the State of West Virginia by adding thereto a new amendment, designated amendment 19, relating to returning control of roads in West Virginia from the state to counties; numbering and designating such proposed amendment; and providing a

summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Tarr:**

**Senate Joint Resolution 4**—Proposing an amendment to the Constitution of the State of West Virginia, amending section 22, article III thereof, relating to the right to keep and bear arms; prohibiting restriction of this amendment by state or local government; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Trump:**

**Senate Joint Resolution 5**—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to providing for a homestead exemption for veterans with 100 percent service-connected disabilities; numbering and designating such proposed amendment; and providing a summarized statement of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

Senator Caputo offered the following resolution:

**Senate Concurrent Resolution 1**—Requesting the Division of Highways name bridge number 25-58-1.03, through Industrial Park Road in Marion County, the "Leon Charles Trader Memorial Bridge".

Which, under the rules, lies over one day.

Senator Takubo offered the following resolution:

**Senate Concurrent Resolution 2**—Requesting the Division of Highways name bridge number 20-072/01-000.01 (20A208), (38.19189, -81.50044), locally known as Slaughter Creek Bridge, carrying CR 72/01 over Slaughter Creek in Kanawha County as the "PFC John Henry Trail Memorial Bridge".

Which, under the rules, lies over one day.

Senator Stuart offered the following resolution:

**Senate Concurrent Resolution 3**—Requesting the Division of Highways name bridge number 20-077/01-004.44 (20A822), (38.17354, -81.5636), locally known as Fields Creek BR NO. 4.44, carrying CR 77/01 over Fields Creek in Kanawha County in the community of Winifrede in Kanawha County, as the "Charlie Lee Jordan Memorial Bridge".

Which, under the rules, lies over one day.

Senator Stuart offered the following resolution:

**Senate Concurrent Resolution 4**—Requesting the Division of Highways name a portion of Pond Fork Road on WV 85, near Marthatown in Boone County, the "U.S. Army 2LT Eston Kuhn Memorial Road".

Which, under the rules, lies over one day.

Senator Stuart offered the following resolution:

**Senate Concurrent Resolution 5**—Requesting the Division of Highways name a portion of Van High School Road (county route 11/5), from its intersection with WV 85, for one tenth of a mile, in Boone County, the "U.S. Army 1LT Hershel Jarrell Memorial Road".

Which, under the rules, lies over one day.

Senator Stuart offered the following resolution:

**Senate Concurrent Resolution 6**—Requesting the Division of Highways name the portion of road located at CR 8 from the

intersection with WV 214 to the intersection with Quall Hill Road, 37° 17' 13.42"" N, 81° 48' 40.64"" W, the "Orland Jackson 'Tom' Meikles Memorial Road".

Which, under the rules, lies over one day.

Senator Stuart offered the following resolution:

**Senate Concurrent Resolution 7**—Requesting the Division of Highways name bridge number 22-037/00-004.35 (22A167), (38.10346, -82.17775), locally known as U.S. Army TEC5 Donald "Tiny" Lucas Memorial Bridge, carrying CR 037 over EAST FK OF 14 MI. CK in Lincoln County as the "Donald 'Tiny' Lucas & Ronald Dale Lucas Veterans Memorial Bridge".

Which, under the rules, lies over one day.

At the request of Senator Takubo, and by unanimous consent, Senator Tarr offered the following resolution from the floor:

**Senate Resolution 1**—Authorizing the appointment of permanent and per diem employees for the Second Regular Session of the Eighty-Sixth Legislature and payment of their compensation.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Senators Rucker, Grady, Chapman, and Blair (Mr. President) offered the following resolution:

**Senate Resolution 2**—Recognizing the dedicated public service of the Honorable Donna J. Boley.

Which, under the rules, lies over one day.

Senator Smith offered the following resolution:

**Senate Resolution 3**—Commemorating the 150th anniversary of Keyser, West Virginia.

Which, under the rules, lies over one day.

Senators Chapman, Azinger, Barrett, Blair (Mr. President), Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, and Woodrum offered the following resolution:

**Senate Resolution 4**—Designating January as Human Trafficking Awareness month.

At the request of Senator Chapman, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, and on this question, Senator Chapman demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 4) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Chapman as to the adoption of Senate Resolution 4 were ordered printed in the Appendix to the Journal.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 1**—Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.

At the request of Senator Takubo, unanimous consent being granted, reference of the resolution to a committee was dispensed with and it was taken up for immediate consideration.

The question being on the adoption of the resolution, the same was put and prevailed.

Whereupon, pursuant to the provisions of House Concurrent Resolution 1, the President appointed as Senate members of the committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates, the following:

Senators Boley, Takubo, and Woelfel.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the thirteenth order of business.

Senator Blair (Mr. President) announced the appointment of Senator Phillips to the Committee on Economic Development. Senator Blair (Mr. President) then announced the replacement of Senator Chapman on the Committee on the Judiciary with Senator Barrett and the replacement of Senator Barrett on the Committee on Finance with Senator Chapman.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:41 p.m., the Senate recessed until 6:45 p.m. today.

The Senate reconvened at 6:48 p.m.

The hour of 7 p.m. having arrived, that being the time set for the joint assembly to hear the address of His Excellency, the

Governor, the Senate recessed until 15 minutes after adjournment of the joint assembly. Members of the Senate then repaired in a body to the hall of the House of Delegates.

\*\*\*

(NOTE: For formal procedure in the joint assembly, see the Journal of the House of Delegates for this day. For the State of the State address of His Excellency, the Governor, the Honorable Jim Justice, as provided electronically by the Governor's office, see the Appendix to the Journal of the Senate, page 3327.)

---

The joint assembly having been dissolved, at 9:02 p.m., the Senate returned to its chamber and resumed its regular session.

### **Executive Communications**

Senator Blair (Mr. President) presented the following communication from His Excellency, the Governor, submitting the executive budget and annual budget bill, which was received and read by the Clerk:



*Jim Justice*  
*Governor of West Virginia*

January 10, 2024

EXECUTIVE MESSAGE NO. 1  
FIRST REGULAR SESSION

The Honorable Craig Blair  
West Virginia Senate  
State Capitol  
Charleston, WV 25305

Dear President Blair:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2024.

Sincerely,

A handwritten signature in blue ink, reading "Jim Justice".

Jim Justice  
Governor

JJ/mc

Subsequently, Senator Blair (Mr. President) laid before the Senate the aforementioned annual budget bill,

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 200**—A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution.

Which was read by its title and referred to the Committee on Finance.

On motion of Senator Takubo, at 9:04 p.m., the Senate adjourned until tomorrow, Thursday, January 11, 2024, at 11 a.m.

---

## THURSDAY, JANUARY 11, 2024

The Senate met at 11:08 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Jason Whitlock, Director of Youth With A Mission West Virginia in Keyser, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jack David Woodrum, a senator from the tenth district.

Pending the reading of the Journal of Wednesday, January 10, 2024,

At the request of Senator Woelfel, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bills 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16,** DEP rule relating to alternative emission limitations during startup and shutdown operations.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 2** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-3-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to alternative emission limitations during startup and shutdown operations; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of particulate matter air pollution from the combustion of fuel in indirect heat exchangers; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from the operation of hot mix asphalt plants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from the operation of coal preparation plants, coal handling operations and coal refuse disposal areas; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of refuse; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of particulate matter air pollution from manufacturing processes and associated operations; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air

pollution from the emission of sulfur oxides; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from the emission of volatile organic compounds; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of greenhouse gas emissions from existing coal-fired electric utility generating units; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to administration of Drinking Water Treatment Revolving Fund and safe drinking water set-asides; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to underground injection control.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Phillips:**

**Senate Bill 201**—A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating to providing an exemption from the state severance tax for coal sold to coal-fired power plants located within the state of West Virginia.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

**By Senator Hamilton:**

**Senate Bill 202**—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to requiring certain municipalities to pay for the incarceration of inmates arrested by the municipality's police.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senator Hamilton:**

**Senate Bill 203**—A Bill to amend and reenact §3-8-2b of the Code of West Virginia, 1931, as amended, relating to requiring a political action committee to disclose the names and addresses of its contributors to the Secretary of State.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

**By Senator Hamilton:**

**Senate Bill 204**—A Bill to amend and reenact §16-4D-1, §16-4D-2, §16-4D-3, and §16-4D-4 of the Code of West Virginia, 1931, as amended, all relating to automated external defibrillator devices; stating findings; revising definitions; modifying automated external defibrillator registration requirements; eliminating requirement to designate medical director; and clarifying limitation on liability.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senators Deeds, Grady, Plymale, Takubo, and Woodrum:**

**Senate Bill 205**—A Bill to amend and reenact §16-29E-2, §16-29E-3, §16-29E-5, §16-29E-6, and §16-29E-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §16-29E-8, §16-29E-9, §16-29E-10, and §16-29E-11, all relating to the Legislative Oversight Commission on Health and Human Resources Accountability;

providing legislative finding; defining terms; updating the powers of the commission; permitting the commission to enter into executive sessions; exempting certain information from the Freedom of Information Act; requiring the development of performance measures; requiring departments to submit annual reports; and updating information the commission is required to report.

Referred to the Committee on Health and Human Resources; and then to the Committee on Government Organization.

**By Senator Karnes:**

**Senate Bill 206**—A Bill to amend and reenact §17C-6-2 of the Code of West Virginia, 1931, as amended, relating to the establishment of an 80 miles per hour speed limit on interstate highways and four-lane limited access highways in this state; and providing an exception for portions of those highways passing through city limits.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Karnes:**

**Senate Bill 207**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12b, relating to collecting and analyzing statistical information pertaining to termination of pregnancies under the West Virginia Medicaid Program; declaring legislative objectives; requiring the submission of reporting forms by providers; providing for patient confidentiality; specifying required information; providing for the collection and aggregation of data; permitting access to de-identified data; and requiring the creation of analytical reports.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 208**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13NN-1, §11-13NN-2, §11-13NN-3, §11-13NN-4, §11-13NN-5,

§11-13NN-6, §11-13NN-7, §11-13NN-8, and §11-13NN-9, all relating to establishing a tax credit for certain physicians who locate in this state to practice; providing for criteria for the tax credit; establishing education requirements; setting forth a time limit to claim the tax credit; setting forth length of residency requirements; setting forth findings; defining terms; authorizing the credit; specifying the amount of the tax credit; providing how the credit may be asserted; specifying no tax credit carryover; allowing forms and schedules to be established by the Tax Commissioner in rule; setting maximum amount of tax credit allowed per taxpayer per year; authorizing the Tax Commissioner to promulgate rules; and setting effective date.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 209**—A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended, relating to the personal income tax; and exempting certain irrevocable trusts from the personal income tax.

Referred to the Committee on Finance.

**By Senator Swope:**

**Senate Bill 210**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-32-1, §5-32-2, §5-32-3, §5-32-4, and §5-32-5, all relating to state recognition of Native American Tribes; defining terms; designating certain tribes as recognized by the state; establishing criteria for state recognition of additional tribes; authorizing unique trademarks for certain arts and crafts; prohibiting gambling and/or reservations; and providing penalty for unauthorized use of trademark.

Referred to the Committee on the Judiciary.

**By Senator Phillips:**

**Senate Bill 211**—A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to wildlife

resources; and allowing the children and grandchildren of a landowner in West Virginia to hunt and fish on private land regardless of residency status without a permit or license, or hunt and fish on their own land during open seasons in accordance with laws and rules.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Phillips:**

**Senate Bill 212**—A Bill to amend and reenact §11-13A-6a of the Code of West Virginia, 1931, as amended, relating to providing that all coal severance tax shall be provided to the county that produced the coal.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

**By Senator Phillips:**

**Senate Bill 213**—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to issuing license plates for medical conditions that might lead to erratic driving; providing requirements to obtain plates; and establishing initial and renewal fees for license plates.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Phillips:**

**Senate Bill 214**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-9-1, §31A-9-2, §31A-9-3, and §31A-9-4, all relating to the creation of the Fair Access to Financial Services Act; providing for a short title; providing for definitions; providing for legislative findings; and providing for enactment of the article.

Referred to the Committee on Banking and Insurance.

**By Senator Tarr:**

**Senate Bill 215**—A Bill to amend and reenact §17C-15-36a of the Code of West Virginia, 1931, as amended, relating to

modification of the permissible percentage of light transmission for sun-screening devices used in automotive safety glazing.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Woodrum:**

**Senate Bill 216**—A Bill to amend and reenact §30-8A-1 of the Code of West Virginia, 1931, as amended, relating to extending the time that a prescription for contact lenses or spectacles remains valid; revising definitions; expanding scope of said section to include prescriptions by ophthalmologists; and extending length of time prescriptions for contact lenses and spectacles remain valid.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 217**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4, relating to providing the state and its political subdivisions with the ability and a process by which to negotiate a lower price for construction work when all bids received exceed the maximum budgeted amount.

Referred to the Committee on Government Organization.

**By Senator Weld:**

**Senate Bill 218**—A Bill to amend and reenact §21A-2C-1, §21A-2C-2, §21A-2C-3, §21A-2C-4, §21A-2C-5, and §21A-2C-6 of the Code of West Virginia, 1931, as amended, all relating to renaming act to Military Incentive Program; extending program to all veterans; updating definitions; naming Work Force West Virginia as the only agency administering program; and establishing rulemaking.

Referred to the Committee on Military; and then to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 219**—A Bill to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended, relating generally to

the Uniform Controlled Substances Act; defining and clarifying the phrases "engaged in the illegal use of a controlled substance with another person" and "seek medical assistance"; and establishing criminal penalties.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 220**—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to compensable diseases of certain firefighters covered by workers' compensation; establishing rebuttable presumption of injury arising out of, and in the course of, employment for certain covered firefighters that develop bladder cancer, mesothelioma, and testicular cancer; and providing that the rebuttable presumption expires on July 1, 2026, unless extended by the Legislature.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 221**—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating the felony offense of aggravated cruelty to animals; creating the felony offense of malicious killing, torture, or mutilation of an animal; providing criminal penalties for these offenses; modifying the elements of the existing offense of cruelty to animals; and defining a term.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 222**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-24, relating to the development of an incentive plan for West Virginia veterans which includes reductions and discounts in fees and charges at state parks.

Referred to the Committee on Military.

**By Senator Rucker:**

**Senate Bill 223**—A Bill to amend and reenact §16-3-1 of the Code of West Virginia, 1931, as amended, relating to ensuring that no law may require a person to receive or use a medical product; and ensuring there will be no penalties imposed, nor benefit denied, due to refusing a medical product or refusing to disclose whether a medical product has been used or not.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 224**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8D-4b, relating to providing a definition of "drag shows"; prohibiting funding from governmental entities for drag shows; prohibiting minors from being involved in or attending drag shows; and providing for penalties associated with violations of these provisions.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 225**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-3-21, relating to establishing the revocation of authority for spending by an agency in support of a challenge to West Virginia law.

Referred to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 226**—A Bill to amend and reenact §19-12A-5 of the Code of West Virginia, 1931, as amended, relating to precluding the Department of Agriculture from canceling certain leases; removing language allowing cancellation of any lease which the Department of Agriculture is a party and the consideration is less than \$5 an acre; and making technical corrections.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Tarr:**

**Senate Bill 227**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-10-1 and §12-10-2, all relating to prompt payment of legitimate, uncontested invoices by state agencies; providing that registered and qualified vendors shall be entitled to prompt payment upon presentation to a state agency of a legitimate, uncontested invoice; providing the rate of interest and manner of calculation; determining the date an invoice is considered received by a state agency; outlining rights of state agencies to receive updated invoices with interest prior to payment; requiring state agencies to explain and calculate interest on the payment claim at the time it is submitted to the State Auditor; providing the timeline in which state agencies shall process payments; providing the timeline in which state agencies shall process payments for other agencies; providing for the definition of a "state agency"; and providing for exceptions.

Referred to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 228**—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-34; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3rr; to amend said code by adding thereto a new section, designated §33-24-7y; to amend said code by adding thereto a new section, designated §33-25-8v; and to amend said code by adding thereto a new section, designated §33-25A-8y, all relating to requiring medically necessary care and treatment to address congenital anomalies associated with cleft lip and cleft palate; setting forth eligibility age; required coverage; exclusions; coverage terms; and effective date.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 229**—A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating to the proceeds and application of the hotel occupancy tax; providing a legislative finding; and providing that the allocation of the hotel occupancy tax is subject to the sole discretion of the municipality or county commission.

Referred to the Committee on Economic Development.

**By Senator Smith:**

**Senate Bill 230**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-37-1, §22-37-2, §22-37-3, and §22-37-4, all relating to creating the West Virginia Coal Marketing Program; providing for the purpose of the program; creating funding for the program and empowering the Governor to report on the program to the Joint Committee on Government and Finance; providing for rules; and providing for an effective date.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 231**—A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to pollution control facilities tax treatment; clarifying that wind power projects are not pollution control facilities for certain purposes; and providing that wind power projects be taxed as real property.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 232**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-3-11; and to amend said code by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5, all relating generally to enhancing maintenance and repair of the state's roads and highways; creating the Special Road Repair Fund as a subaccount of the State Road Fund; authorizing the

Commissioner of the Division of Highways to transfer certain funds into the subaccount for certain purposes; creating the Enhanced Road Repair and Maintenance Program; stating legislative findings and purpose of program; requiring Division of Highways county supervisors consult with county commissions and legislators to submit project requests to the Division of Highways; setting forth a funding formula; setting forth requirements concerning bidding, vendors, and contracts with private vendors; specifying uses of Special Road Repair Fund; providing requirements for the Commissioner of the Division of Highways and districts; requiring for rulemaking; and requiring reporting by the Division of Highways and the Legislative Auditor.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 233**—A Bill to amend and reenact §3-5-5 of the Code of West Virginia, 1931, as amended, relating to the nomination and election of candidates for U.S. Congress; setting forth legislative findings and purpose; defining terms; setting forth residency requirements for candidacy; establishing early filing window for candidates; authorizing the Secretary of State to investigate the validity of candidate's residency; providing for legal standing and defense of statute; and setting forth rule-making authority and penalties.

Referred to the Committee on the Judiciary.

**By Senator Smith:**

**Senate Bill 234**—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting taking or attempting to take turkeys with a rifle.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Smith:**

**Senate Bill 235**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9c, relating to providing for enhanced damages for

nonpayment of royalties due from oil, natural gas, or natural gas liquids production under the terms of a lease or other agreement.

Referred to the Committee on Energy, Industry, and Mining.

**By Senator Rucker:**

**Senate Bill 236**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §9-5-32; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ii; to amend said code by adding thereto a new section, designated §33-24-7y; to amend said code by adding thereto a new section, designated §33-25-8v; and to amend said code by adding thereto a new section, designated §33-25A-8y, all relating to requiring coverage for certain conditions; requiring coverage treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections; requiring coverage for treatment of pediatric acute onset neuropsychiatric syndrome; requiring a prior authorization to be obtained; and requiring that a physician demonstrate that all other treatments have been exhausted.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Azinger:**

**Senate Bill 237**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8A-2a, relating to making it a criminal offense for a person to engage in an adult cabaret performance where it may be viewed by a minor.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 238**—A Bill to amend and reenact §7-14-17c of the Code of West Virginia, 1931, as amended, relating to clarifying the amount of a deputy sheriff's annual monetary payment for years of service.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 239**—A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to when excess funds accumulated by boards are to be transferred to the General Revenue Fund of the State Treasury.

Referred to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 240**—A Bill to amend and reenact §59-1-14 of the Code of West Virginia, 1931, as amended, relating to fees charged by sheriffs.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 241**—A Bill to amend and reenact §24-1-7 of the Code of West Virginia, 1931, as amended, relating to making rules and regulations of Public Service Commission subject to legislative rule-making review procedures.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 242**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-63, relating to exempting certain persons from fees for hunting, fishing, and trapping licenses and permits; providing that fees for hunting, trapping, and fishing licenses and permits are waived for certain volunteer firefighters; including eligibility requirements; requiring compliance with all other requirements to obtain license; and granting rule-making authority.

Referred to the Committee on Agriculture and Natural Resources; and then to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 243**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to requiring a moment of silence at the

beginning of each school day; forbidding teachers from making suggestions as to the nature of the reflection that students may engage in during the moment of silence; and providing for the Attorney General to defend the provisions of this section.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 244**—A Bill to amend and reenact §3-1-3 and §3-1-34 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-2 of said code, all relating to residency requirements for people entitled to vote and people eligible to register to vote; requiring that a person be a legal resident of the state, county, or municipality in which he or she offers to vote; requiring that a person be a legal resident of the state or county in which he or she applies to register to vote; defining the term "legal resident"; and requiring a state or federal photo identification in order to vote.

Referred to the Committee on the Judiciary.

**By Senator Taylor:**

**Senate Bill 245**—A Bill to amend and reenact §3-1-29 and §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring municipal elections to be held on the same day as statewide elections.

Referred to the Committee on the Judiciary.

**By Senator Taylor:**

**Senate Bill 246**—A Bill to amend and reenact §16-2R-3 of the Code of West Virginia, 1931, as amended, relating to removing the rape and incest exception to obtain an abortion in West Virginia.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Caputo:**

**Senate Bill 247**—A Bill to amend and reenact §3-1-34 and §3-1-41 of the Code of West Virginia, 1931, as amended; to amend

and reenact §3-1A-5 of said code; to amend and reenact §3-3-1, §3-3-1a, §3-3-2, §3-3-2a, §3-3-5, §3-3-9, §3-3-10, and §3-3-12 of said code; to repeal §3-3-3a of said code; to amend and reenact §3-6-6, §3-6-7, and §3-6-9 of said code; to amend said code by adding thereto a new section, designated §3-9-14; and to amend and reenact §3-9-19 of said code, all relating to modernization of procedures for voting in public elections; modifying voter identification procedure at the polls; removing authority of election commissioners and poll clerks to dispute voter claims of disability; authorizing all registered voters to vote absentee ballot by mail; simplifying the requirements for an emergency absentee ballot; providing for secure receipt of hand-delivered absentee ballots; providing for stand-alone, drop-off locations for deposit of completed absentee ballots; revising terms and procedures for casting an absentee ballot by mail; reforming the procedures and grounds for challenging an absentee ballot; specifying the form and printed text of envelopes for absentee ballots; establishing a pre-canvass procedure for ballots received in advance of election day; authorizing voter cure for potentially deficient absentee ballots; establishing a criminal offense of coercion and intimidation of a voter; defining a criminal offense of unauthorized marking of another person's absentee ballot; providing criminal penalties for violations; and correcting citations and grammar throughout.

Referred to the Committee on the Judiciary.

**By Senator Caputo:**

**Senate Bill 248**—A Bill to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting members of the Legislature and part-time public officials from having an interest in public contracts under certain circumstances; requiring certain disclosures; and requiring the Ethics Commission to conduct oversight and make a public statement in certain circumstances.

Referred to the Committee on Government Organization.

**By Senator Caputo:**

**Senate Bill 249**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-

2-2a, relating to increasing transparency in the apportionment process for congressional and legislative districts; defining procedures to enhance public access to and participation in the development of such districts; and establishing a period for public comment on district maps to be voted on by the Legislature prior to their adoption.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Caputo:**

**Senate Bill 250**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-15F-1, §33-15F-2, §33-15F-3, §33-15F-4, §33-15F-5, §33-15F-6, and §33-15F-7, all relating to requiring medical insurance providers to include infertility services in their policies; making findings; providing for determination of infertility; providing prohibited and permissible limitations on coverage; requiring rulemaking; establishing an effective date; providing for severability; and defining terms.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Caputo:**

**Senate Bill 251**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, relating to enacting the Closed Captioning Act; requiring public places that have televisions for use by the public to have at least one half of those televisions to have their closed captioning feature activated at all times; providing an exception; defining terms; and establishing an effective date.

Referred to the Committee on Government Organization.

**By Senator Clements:**

**Senate Bill 252**—A Bill to amend and reenact §17-3-2 of the Code of West Virginia, 1931, as amended, relating to the use of the State Road Fund for state road purposes.

Referred to the Committee on Finance.

**By Senator Clements:**

**Senate Bill 253**—A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to the school aid formula; and establishing a minimum net enrollment of 1,200 students for each county.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 254**—A Bill to amend and reenact §5-16-13 of the Code of West Virginia, 1931, as amended, relating to allowing a person who first becomes a member of the Teachers Retirement System on or after July 1, 2015, to apply his or her accrued annual and sick leave, on the basis of one day's retirement service credit for each one-day of accrued annual and sick leave, toward an increase in his or her retirement benefits with those days constituting additional credited service in computation of the benefits under the Teachers Retirement System.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Martin:**

**Senate Bill 255**—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting public entities, including state, county, and municipal buildings and facilities, places of public accommodation, and commercial facilities from installing or maintaining a parking meter in an accessible parking space bearing the international symbol of access.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 256**—A Bill to amend and reenact §37-13A-1 of the Code of West Virginia, 1931, as amended, relating to protecting landowners who allow others to access cemeteries from their private property or roadway; and ensuring that those persons who

damage private property are solely responsible for any costs of repair associated therein.

Referred to the Committee on the Judiciary.

**By Senator Taylor:**

**Senate Bill 257**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4d, relating to prohibiting mandates for vaccines.

Referred to the Committee on Health and Human Resources.

**By Senator Takubo:**

**Senate Bill 258**—A Bill to amend and reenact §11-21-97 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-24-44 of said code, all relating to increasing tax credit for employers providing childcare for employees.

Referred to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 259**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, relating to requiring the Higher Education Policy Commission to create and administer a PROMISE Plus Program for the purpose of supplementing the PROMISE Scholarship award of an individual who meets more rigorous standards so the total of both scholarships received by that individual is equal to the actual cost of tuition; addressing eligibility requirements; requiring the commission to promulgate a rule; requiring each award recipient to enter into an agreement which requires repayment of the amount of the grants awarded if the recipient chooses to reside outside the state within the number of years immediately after obtaining the degree or certificate that is equivalent to the number of years the scholarship was received; requiring that the annual award be used to supplement, but not supplant, certain other tuition and fee waivers for which an individual is eligible; clarifying no guarantee that a PROMISE Plus scholarship award or any specific amount of a PROMISE Plus scholarship award to any student, or that the

qualification requirements for PROMISE Plus scholarship will not be changed before the student is eligible; providing that the total cost of all PROMISE Plus scholarships in any year cannot exceed the amount of funds available; creating a special revenue fund in the State Treasury designated as the PROMISE Plus Scholarship Fund; and giving the commission all the same powers and duties with respect to the PROMISE Plus Program as the commission has with respect to the PROMISE Scholarship Program.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Taylor:**

**Senate Bill 260**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-4a, relating to approving overtime pay for teachers.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 261**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18F-1, §31-18F-2, §31-18F-3, §31-18F-4, §31-18F-5, and §31-18F-6; and to amend and reenact §36-8-13 of said code, all relating generally to creating the West Virginia Veterans' Home Loan Mortgage Program of 2024; establishing a fund known as the West Virginia Veterans' Home Loan Mortgage Fund; declaring the purpose of the fund; providing that the West Virginia Housing Development Fund shall administer the fund; setting forth terms of the program; authorizing the West Virginia Housing Development Fund to make certain mortgage loans from the fund; and authorizing the unclaimed property administrator to transfer a certain amount from the Unclaimed Property Trust Fund to the fund.

Referred to the Committee on Military; and then to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 262**—A Bill to amend and reenact §31D-14-1421 of the Code of West Virginia, 1931, as amended, relating to clarifying the procedure for administrative dissolution of corporations by the Secretary of State; and relating to the Secretary of State providing notice to corporations subject to administrative dissolution.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 263**—A Bill to amend and reenact §51-9-6a of the Code of West Virginia, 1931, as amended, relating to expanding those who may be eligible for judicial retirement.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 264**—A Bill to amend and reenact §59-3-3 of the Code of West Virginia, 1931, as amended, relating to reducing rates for legal advertising.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 265**—A Bill to amend and reenact §8-12-18 of the Code of West Virginia, 1931, as amended, relating to increasing the value at which municipal property must be sold through public auction; and allowing for the negotiated sale of real property to adjacent property owners.

Referred to the Committee on Government Organization.

**By Senator Oliverio:**

**Senate Bill 266**—A Bill to amend and reenact §11-6B-3 and §11-6B-7 of the Code of West Virginia, 1931, as amended, all relating to increasing the Homestead Property Tax Exemption for homeowners.

Referred to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 267**—A Bill to amend and reenact §17C-5A-3 and §17C-5A-3a of the Code of West Virginia, 1931, as amended, all relating to the addition of grievance and appellate procedures, and judicial review for individuals participating in, or who have participated in, the Division of Motor Vehicles' Safety and Treatment Program; authorizing the Commissioner of the Division of Motor Vehicles to promulgate a rule to add such procedures and judicial review for participants of the Safety and Treatment Program; eliminating minimum driving time, minimum mileage, and driving frequency requirements of Motor Vehicle Alcohol and Drug Test and Lock Program system, and further prohibiting removal of program participant for failure to meet such requirements; and directing commissioner to reinstate program participants for failing to meet such requirements, at no cost to the program participant, upon participants meeting specified criteria.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 268**—A Bill to amend and reenact §29-6-5 of the Code of West Virginia, 1931, as amended, relating to ceasing operations of the Division of Personnel by June 30, 2024; providing for transfer of duties to individual agencies; and providing rule-making authority.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senators Deeds, Grady, and Takubo:**

**Senate Bill 269**—A Bill to amend and reenact §47-19-3 of the Code of West Virginia, 1931, as amended; and to amend §60A-4-403a of said code, all relating to excluding test strips from the definition of drug paraphernalia; and specifying that possession, sale, or purchase of drug test strips are not prohibited.

Referred to the Committee on the Judiciary.

**By Senator Phillips:**

**Senate Bill 270**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13NN-1, §11-13NN-2, §11-13NN-3, §11-13NN-4, §11-13NN-5, §11-13NN-6, §11-13NN-7, §11-13NN-8, §11-13NN-9, §11-13NN-10, and §11-13NN-11, all relating to establishing road or highway infrastructure improvement projects or coal production and processing facilities tax credit for taxpayers subject to the tax imposed in certain circumstances; specifying a short title; specifying legislative findings and purpose for new credit; defining terms; specifying the amount of the credit, application of credit, and carry forward of unused credit; requiring filing of application for road or highway infrastructure improvement project credit as condition precedent to claiming credit, specifying procedure for application for certification, contents of application and limitation on maximum amount of credits which can be approved; specifying computation of qualified investment in coal production and processing facilities; allowing transfer of credits to successors; providing for forfeiture of unused tax credits and redetermination of credit allowed; providing penalties for failure to maintain records of qualified property; and establishing an effective date.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senator Karnes:**

**Senate Bill 271**—A Bill to amend and reenact §11-13DD-3 of the Code of West Virginia, 1931, as amended, relating to the Farm-to-Food Bank Tax Credit; raising the limit on the tax credit; and providing that the credit apply retroactively to January 1, 2024.

Referred to the Committee on Agriculture and Natural Resources; and then to the Committee on Finance.

**By Senator Karnes:**

**Senate Bill 272**—A Bill to amend and reenact §16-3-10 of the Code of West Virginia, 1931, as amended, relating to clarifying the rights of a parent or legal guardian in declining specific required medication administered to a child at birth; permitting parents or legal guardians of newborn children to refuse certain medication

that has been mandated for newborns; requiring that parents and legal guardians be made aware of the dangers of not receiving the otherwise required medication; providing for notation in medical records; providing for limitation of liability; prohibiting a refusal by the parents or legal guardian from being admissible in certain legal actions or investigations of those parents or legal guardians; and prohibiting discipline or penalties to certain health care professionals when a parent or legal guardian has refused or declined the otherwise mandated medication.

Referred to the Committee on Health and Human Resources.

**By Senator Karnes:**

**Senate Bill 273**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-9b; to amend said code by adding thereto a new section, designated §11B-2-33; and to amend said code by adding thereto a new section, designated §18-2-44, all relating to prohibiting discriminatory divisive acts in the workplace and adding to the definition of the Human Rights Act; prohibiting the teaching of divisive acts in West Virginia schools; and prohibiting state funding to agencies that promote divisive acts.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Karnes:**

**Senate Bill 274**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-15, relating to permitting members of public retirement plans to cash out of their plans by opting to receive, in lieu of regular benefit payments, the total cash value of those benefits.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Karnes:**

**Senate Bill 275**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-16, relating generally to financial institutions engaged in

boycotts of firearms companies; defining terms; authorizing the State Treasurer to prepare, maintain, and publish a list of financial institutions engaged in boycotts of firearms companies; requiring the Treasurer to post the list on his or her website and submit the list to certain public officials; setting forth sources of information on which the Treasurer may rely on preparing the list; requiring the Treasurer to send written notice to a financial institution of its inclusion on the list; requiring the Treasurer to remove a financial institution from the list if it presents information demonstrating that it is not engaged in a boycott of firearms companies; authorizing the Treasurer to exclude financial institutions on the list from the selection process for state banking contracts; authorizing the Treasurer to refuse to enter into a banking contract with a financial institution on the list; authorizing the Treasurer to require, as a term of a banking contract, an agreement by the financial institution not to engage in a boycott of firearms companies; and limiting liability of public officials, public employees, members or employees of financial institutions for actions taken in compliance with the new code section, and exempting the Investment Management Board.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Hamilton:**

**Senate Bill 276**—A Bill to amend and reenact §60A-4-401, §60A-4-407, and §60A-4-407a of the Code of West Virginia, 1931, as amended, all relating to establishing the criminal offense of using or being under the influence of a controlled substance unless obtained directly from, or pursuant to, a valid prescription or order of a practitioner; providing criminal penalties for violation; providing for conditional discharge of offense for first violation; and providing additional conditions for authorizing additional requirements to obtain a final order of discharge and dismissal.

Referred to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 277**—A Bill to amend and reenact §11A-3-2 of the Code of West Virginia, 1931, as amended, relating to requiring the sheriff to send notices to the owners of record and to each resident

or occupant of real property prior to selling the property for which property taxes have not been paid.

Referred to the Committee on Government Organization.

**By Senator Rucker:**

**Senate Bill 278**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2S-1, §16-2S-2, §16-2S-3, §16-2S-4, §16-2S-5, and §16-2S-6, all relating to the creation of the West Virginia Chemical Abortion Prohibition Act; creating the offense; providing no liability to the patient; providing a rule of construction regarding ectopic pregnancy; providing for definitions; creating severability; and providing for disposal of discarded abortion drugs.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 279**—A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended, relating to the Commissioner of the Bureau for Public Health; requiring medical professionals to report to the Bureau for Public Health all injuries and side effects from vaccines and produce an annual report for the Legislature; requiring medical professionals that deliver vaccines to receive educational materials from the Bureau for Public Health about negative side effects from vaccines and to be formally trained every five years; and requiring the commissioner to make available a mechanism for individuals, including parents, to report adverse impact from vaccines.

Referred to the Committee on Health and Human Resources.

**By Senator Grady:**

**Senate Bill 280**—A Bill to amend and reenact §18-5-46 of the Code of West Virginia, 1931, as amended, relating to allowing teachers in public schools that include any one or more of grades kindergarten through 12 to teach intelligent design as a theory of how the universe and/or humanity came to exist.

Referred to the Committee on Education.

**By Senator Smith:**

**Senate Bill 281**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5m, relating to the assessment of a wildlife impact fee by the Director of the Division of Natural Resources on operators of wind power projects that injure or kill a protected species of animal.

Referred to the Committee on Agriculture and Natural Resources; and then to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 282**—A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-4C-24 of said code, all relating to volunteer fire departments and emergency medical services units; and providing that any increased costs or expenditures to volunteer fire departments that result from the implementation of a state legislative rule shall be funded respectively by the State Fire Commission and the Commissioner of the Bureau for Public Health.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 283**—A Bill to amend and reenact §55-7-22 of the Code of West Virginia, 1931, as amended, relating to use of force, including deadly force, in defense of self, real, and personal property; providing immunity from civil and/or criminal prosecution against persons lawfully using force in defensive actions; providing for when there is no duty to retreat; and providing for the receipt of court costs, fees, and expenses for persons acting to protect self, real, and personal property, another person, or in other defined situations.

Referred to the Committee on the Judiciary.

**By Senator Smith:**

**Senate Bill 284**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-

2S-1, §16-2S-2, §16-2S-3, §16-2S-4, §16-2S-5, §16-2S-6, §16-2S-7, §16-2S-8, §16-2S-9, §16-2S-10, and §16-2S-11, all relating to enacting the Fetal Heartbeat Act; prohibiting abortions when a fetal heartbeat is detected; providing that the article applies only to intrauterine pregnancies; providing exceptions; making findings; providing for severability; establishing standards, requirements, and procedures; requiring documentation; requiring notice and acknowledgments; establishing criminal penalties; permitting civil actions; defining terms; and providing for rulemaking.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Smith:**

**Senate Bill 285**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3uu, relating to allowing county commissions to impose an amusement tax.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 286**—A Bill to amend and reenact §23-4-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that the time limitations provided for filing occupational pneumoconiosis claims do not apply or otherwise limit the ability of a claimant to obtain an evaluation from the Occupational Pneumoconiosis Board.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 287**—A Bill to amend and reenact §62-12-9 of the Code of West Virginia, 1931, as amended, relating to requiring probationers who have served 10 or more years to participate in a work release program and spend six months in a work release center; and requiring that 70 percent of their earnings be held in an

account and provided to them at the successful completion of the six-month period.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 288**—A Bill to amend and reenact §11-15-30 of the Code of West Virginia, 1931, as amended, relating to dedication of collections or proceeds of sales tax from the sale of parts, tires, and repair and maintenance services for motor vehicles to State Road Fund.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Chapman:**

**Senate Bill 289**—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting Social Security benefits from state personal income taxation for tax years beginning on or after January 1, 2024.

Referred to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 290**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-45b, relating to requiring the State Superintendent of Schools to establish a three-year nontraditional school week pilot project in up to five county school districts in which students in all grade levels are present four days per week and on the fifth day, educators engage in activities designed to improve instruction, bus drivers and cooks ensure that students have access to school breakfast and lunch, and instruction is delivered to students through alternative methods; addressing priority of school districts to designate for the pilot; requiring all school personnel to report for work, use personal leave, or forgo pay on fifth day; requiring each participating county board to determine day of week when students not present; designating allowable activities that educators may engage in on day when students not present; specifying allowable

alternative methods of instruction; providing for updates to the Legislative Oversight Commission on Education Accountability on the status of the pilots; and allowing state superintendent to end the pilot in any county that he or she determines that the pilot is negatively impacting student achievement.

Referred to the Committee on Education.

**By Senator Chapman:**

**Senate Bill 291**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-5A-1, §15-5A-2, §15-5A-3, §15-5A-4, §15-5A-5, §15-5A-6, §15-5A-7, and §15-5A-8, all relating to enacting the West Virginia Volunteer State Defense Guard Act.

Referred to the Committee on Military; and then to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 292**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-22-1, §18B-22-2, §18B-22-3, §18B-22-4, and §18B-22-5, all relating to creating the Hunger-Free Campus Act; providing for a short title; establishing the act and providing for a legislative purpose; authorizing the Higher Education Policy Commission to implement program; providing qualifications for campuses to be designated as hunger-free zones; allowing for grant funding of hunger-free zones; providing for reporting on the impact of any grants; and providing for an effective date.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 293**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to creating the Glucagon for Schools Act; defining terms; allowing prescription for undesignated glucagon in the name of a school district or school; allowing school to maintain a supply of

undesigned glucagon; allowing trained school personnel to administer undesigned glucagon if the student's prescribed glucagon is not available on site or has expired; prohibiting licensed health professional with prescribing authority and pharmacist from being held responsible for harm due to the administration of undesigned glucagon in certain instances; declaring school personnel, the school district or school of employment, members of the governing school board, and the chief administrator are not liable in any criminal action or for civil damages as a result of administering undesigned glucagon in certain instances; requiring a school to call local emergency assistance and notify certain others as soon as practicable after the administration of undesigned glucagon; stating that each school should have an easily accessible glucometer on site; allowing all school personnel in schools that have students with diabetes to receive certain training; allowing designated school personnel to be trained to perform tasks necessary to assist a student with diabetes in accordance with his or her diabetes medical management plan; allowing school district to coordinate staff training; allowing school nurses, where available, or certain health care providers to provide technical assistance, consultation, or both to school personnel; and requiring an information sheet to be provided to any school employee who transports a student for school-sponsored activities.

Referred to the Committee on Health and Human Resources.

**By Senator Takubo:**

**Senate Bill 294**—A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating to increasing the tax rate imposed on certain hospitals up to the maximum amount allowed by the Centers for Medicare and Medicaid Services.

Referred to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 295**—A Bill to amend and reenact §16-5Y-2, §16-5Y-3, §16-5Y-5, §16-5Y-6, §16-5Y-7, and §16-5Y-13 of the Code of West Virginia, 1931, as amended; and to amend said code by

adding thereto a new article, designated §16-5EE-1, §16-5EE-2, §16-5EE-3, and §16-5EE-4, all relating to opioid treatment programs; defining terms; making opioid treatment programs unlawful; allowing for an administrative time frame for referral; requiring the imposition of fees for noncompliance; and permitting injunctive relief.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 296**—A Bill to repeal §16-64-1, §16-64-2, §16-64-3, §16-64-4, §16-64-5, §16-64-6, §16-64-7, §16-64-8, §16-64-9, and §16-64-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-64A-1, §16-64A-2, §16-64A-3, and §16-64A-4, all relating to syringe exchange services programs; defining terms; making syringe exchange service programs unlawful; setting date for closure of existing programs; permitting harm reduction services to continue to operate provided no syringe services are provided; allowing for an administrative time frame for referral; requiring the imposition of fees for noncompliance; and permitting injunctive relief.

Referred to the Committee on Health and Human Resources.

**By Senator Woodrum:**

**Senate Bill 297**—A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, relating to state boards of examination or registration; providing that continuing education credits shall be valid for three years; and providing that boards may choose to extend the amount of time credits may be valid, up to an additional three years.

Referred to the Committee on Government Organization.

**By Senator Smith:**

**Senate Bill 298**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13NN-1, §11-13NN-2, and §11-13NN-3; to amend and reenact §20-2-28 of said code; and to amend and reenact §20-2B-7 of said

code, all relating to tax credit offered to veterans who have been honorably discharged from the military for the cost of their lifetime hunting, trapping, and fishing license; defining "eligible veteran"; establishing amount of credit; setting procedures to claim credit; requiring that disabled veterans obtain a hunting, trapping, and fishing license; and requiring proposal of appropriate legislative rule.

Referred to the Committee on Military; and then to the Committee on Finance.

**By Senator Caputo:**

**Senate Bill 299**—A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended, relating to reemployment after retirement by public employees; and increasing the maximum compensation that may be earned by certain retired public employees who accept legislative per diem, temporary full-time, or temporary part-time employment from a participating employer without suspending his or her retirement annuity.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senators Deeds, Grady, Plymale, Takubo, and Woodrum:**

**Senate Bill 300**—A Bill to repeal §5-11-1, §5-11-2, §5-11-3, §5-11-4, §5-11-5, §5-11-6, §5-11-7, §5-11-8, §5-11-9, §5-11-10, §5-11-11, §5-11-12, §5-11-13, §5-11-14, §5-11-15, §5-11-16, §5-11-17, §5-11-18, §5-11-19, and §5-11-20 of the Code of West Virginia, 1931, as amended; to repeal §5-11A-1, §5-11A-2, §5-11A-3, §5-11A-3a, §5-11A-4, §5-11A-5, §5-11A-6, §5-11A-7, §5-11A-8, §5-11A-9, §5-11A-10, §5-11A-11, §5-11A-12, §5-11A-13, §5-11A-14, §5-11A-15, §5-11A-16, §5-11A-17, §5-11A-18, §5-11A-19, and §5-11A-20 of said code; to repeal §5-11B-1, §5-11B-2, §5-11B-3, §5-11B-4, §5-11B-5, §5-11B-6, and §5-11B-7 of said code; to repeal §16-1-22, §16-1-22a, §16-1-22b, and §16-1-22c of said code; to repeal §16-2E-1, §16-2E-2, §16-2E-3, §16-2E-4, and §16-2E-5 of said code; to repeal §16-2N-1, §16-2N-2, and §16-2N-3 of said code; to repeal §16-5B-1, §16-5B-2, §16-5B-3, §16-5B-

4, §16-5B-5, §16-5B-5a, §16-5B-6, §16-5B-7, §16-5B-8, §16-5B-9, §16-5B-10, §16-5B-11, §16-5B-12, §16-5B-13, §16-5B-14, §16-5B-15, §16-5B-16, §16-5B-17, §16-5B-18, §16-5B-19, and §16-5B-20 of said code; to repeal §16-5C-1, §16-5C-2, §16-5C-3, §16-5C-4, §16-5C-5, §16-5C-6, §16-5C-7, §16-5C-8, §16-5C-9, §16-5C-9a, §16-5C-10, §16-5C-11, §16-5C-12, §16-5C-12a, §16-5C-13, §16-5C-14, §16-5C-15, §16-5C-18, §16-5C-19, §16-5C-20, §16-5C-21, and §16-5C-22 of said code; to repeal §16-5D-1, §16-5D-2, §16-5D-3, §16-5D-4, §16-5D-5, §16-5D-6, §16-5D-7, §16-5D-8, §16-5D-9, §16-5D-10, §16-5D-11, §16-5D-12, §16-5D-13, §16-5D-14, §16-5D-15, and §16-5D-18 of said code; to repeal §16-5E-1, §16-5E-1a, §16-5E-2, §16-5E-3, §16-5E-3a, §16-5E-4, §16-5E-5, and §16-5E-6 of said code; to repeal §16-5H-1, §16-5H-2, §16-5H-3, §16-5H-4, §16-5H-5, §16-5H-6, §16-5H-7, §16-5H-8, §16-5H-9, and §16-5H-10 of said code; to repeal §16-5I-1, §16-5I-2, §16-5I-3, §16-5I-4, §16-5I-5, and §16-5I-6 of said code; to repeal §16-5N-1, §16-5N-2, §16-5N-3, §16-5N-4, §16-5N-5, §16-5N-6, §16-5N-7, §16-5N-8, §16-5N-9, §16-5N-10, §16-5N-11, §16-5N-12, §16-5N-13, §16-5N-14, §16-5N-15, and §16-5N-16 of said code; to repeal §16-5O-1, §16-5O-2, §16-5O-3, §16-5O-4, §16-5O-5, §16-5O-6, §16-5O-7, §16-5O-8, §16-5O-9, §16-5O-10, §16-5O-11, and §16-5O-12 of said code; to repeal §16-5R-1, §16-5R-2, §16-5R-3, §16-5R-4, §16-5R-5, §16-5R-6, and §16-5R-7 of said code; to repeal §16-5W-1, §16-5W-2, §16-5W-3, and §16-5W-4 of said code; to repeal §16-5Y-1, §16-5Y-2, §16-5Y-3, §16-5Y-4, §16-5Y-5, §16-5Y-6, §16-5Y-7, §16-5Y-8, §16-5Y-9, §16-5Y-10, §16-5Y-11, §16-5Y-12, and §16-5Y-13 of said code; to repeal §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10 of said code; to repeal §16-49-1, §16-49-2, §16-49-3, §16-49-4, §16-49-5, §16-49-6, §16-49-7, §16-49-8, and §16-49-9 of said code; to amend said code by adding thereto a new chapter, designated §16B-1-1, §16B-2-1, §16B-2-2, §16B-2-3, §16B-2-4, §16B-3-1, §16B-3-2, §16B-3-3, §16B-3-4, §16B-3-5, §16B-3-5a, §16B-3-6, §16B-3-7, §16B-3-8, §16B-3-9, §16B-3-10, §16B-3-11, §16B-3-12, §16B-3-13, §16B-3-14, §16B-3-15, §16B-3-16, §16B-3-17, §16B-3-18, §16B-3-19, §16B-3-20, §16B-4-1, §16B-4-2, §16B-4-3, §16B-4-4, §16B-4-5, §16B-4-6, §16B-4-7, §16B-4-8, §16B-4-9, §16B-4-9a, §16B-4-10, §16B-4-11, §16B-4-12, §16B-

4-12a, §16B-4-13, §16B-4-14, §16B-4-15, §16B-4-18, §16B-4-19, §16B-4-20, §16B-4-21, §16B-4-22, §16B-5-1, §16B-5-2, §16B-5-3, §16B-5-4, §16B-5-5, §16B-5-6, §16B-5-7, §16B-5-8, §16B-5-9, §16B-5-10, §16B-5-11, §16B-5-12, §16B-5-13, §16B-5-14, §16B-5-15, §16B-5-18, §16B-6-1, §16B-6-1a, §16B-6-2, §16B-6-3, §16B-6-3a, §16B-6-4, §16B-6-5, §16B-6-6, §16B-7-1, §16B-7-2, §16B-7-3, §16B-7-4, §16B-7-5, §16B-7-6, §16B-7-7, §16B-7-8, §16B-7-9, §16B-7-10, §16B-8-1, §16B-8-2, §16B-8-3, §16B-8-4, §16B-8-5, §16B-8-6, §16B-9-1, §16B-9-2, §16B-9-3, §16B-9-4, §16B-9-5, §16B-9-6, §16B-9-7, §16B-9-8, §16B-9-9, §16B-9-10, §16B-9-11, §16B-9-12, §16B-9-13, §16B-9-14, §16B-9-15, §16B-9-16, §16B-10-1, §16B-10-2, §16B-10-3, §16B-10-4, §16B-10-5, §16B-10-6, §16B-10-7, §16B-10-8, §16B-10-9, §16B-10-10, §16B-10-11, §16B-10-12, §16B-11-1, §16B-11-2, §16B-11-3, §16B-11-4, §16B-11-5, §16B-11-6, §16B-11-7, §16B-12-1, §16B-12-2, §16B-12-3, §16B-13-1, §16B-13-2, §16B-13-3, §16B-13-4, §16B-13-5, §16B-13-6, §16B-13-7, §16B-13-8, §16B-13-9, §16B-13-10, §16B-13-11, §16B-13-12, §16B-13-13, §16B-14-1, §16B-14-2, §16B-14-3, §16B-14-4, §16B-14-5, §16B-14-6, §16B-14-7, §16B-14-8, §16B-14-9, §16B-14-10, §16B-15-1, §16B-15-2, §16B-15-3, §16B-15-4, §16B-15-5, §16B-15-6, §16B-15-7, §16B-15-8, §16B-15-9, §16B-16-1, §16B-16-2, §16B-16-3, §16B-16-4, §16B-16-5, §16B-16-6, §16B-16-7, §16B-16-8, §16B-16-9, §16B-16-10, §16B-17-1, §16B-17-2, §16B-17-3, §16B-17-4, §16B-17-5, §16B-17-6, §16B-17-7, §16B-17-8, §16B-17-9, §16B-17-10, §16B-17-12, §16B-17-13, §16B-17-14, §16B-17-15, §16B-17-16, §16B-17-17, §16B-17-18, §16B-17-19, §16B-17-20, §16B-18-1, §16B-18-2, §16B-18-3, §16B-18-3a, §16B-18-4, §16B-18-5, §16B-18-6, §16B-18-7, §16B-18-8, §16B-18-9, §16B-18-10, §16B-18-11, §16B-18-12, §16B-18-13, §16B-18-14, §16B-18-15, §16B-18-16, §16B-18-17, §16B-18-18, §16B-18-19, §16B-18-20, §16B-19-1, §16B-19-2, §16B-19-3, §16B-19-4, §16B-19-5, §16B-19-6, §16B-19-7, §16B-20-1, §16B-20-2, §16B-20-3, §16B-20-4, §16B-20-5, §16B-21-1, §16B-21-2, and §16B-21-3; to amend and reenact §25-1B-7 of said code; to amend and reenact §27-1-9 of said code; to amend and reenact §27-1A-6 and §27-1A-7 of said code; to amend and reenact §27-9-1 and §27-9-2 of said code; to amend and reenact §27-17-1 and §27-17-3 of said code; to amend and reenact §49-1-203 of said code; and to repeal §49-9-101, §49-

9-102, §49-9-103, §49-9-104, §49-9-105, §49-9-106, §49-9-107, §49-9-108, §49-9-109, and §49-9-110 of said code, all relating to the organization of the Office of the Inspector General.

Referred to the Committee on Health and Human Resources.

Senator Deeds offered the following resolution:

**Senate Concurrent Resolution 8**—Requesting the Division of Highways to name bridge number 13-060/00-009.57 (13A107), (37.95830, -80.68340), locally known as BIG CLEAR CREEK BRIDGE, carrying US 060 over BIG CLEAR CREEK in Greenbrier County as the "U.S. Army Corporal Clemon Knapp Memorial Bridge".

Which, under the rules, lies over one day.

### **Petitions**

Senator Blair (Mr. President) presented a petition from Carolyn Beckett and numerous West Virginia residents, supporting the Chemical Abortion Prevention Act and the Clean Water for ALL Life Act.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 1**, Leon Charles Trader Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 2**, US Army PFC John Henry Trail Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 3**, Charlie Lee Jordan Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 4**, US Army 2LT Eston Kuhn Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 5**, US Army 1LT Hershel Jarrell Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 6**, Orland Jackson "Tom" Meikles Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 7**, Donald "Tiny" Lucas and Ronald Dale Lucas Veterans Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Resolution 2**, Recognizing dedicated public service of Honorable Donna J. Boley.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Rucker, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Phillips demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Clements, Hunt, Karnes, and Maroney—4.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 2) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Rucker, Plymale, Azinger, and Stover regarding the adoption of Senate Resolution 2 were ordered extended in the Journal as follows:

SENATOR RUCKER: Thank you.

This resolution I am very honored to be leading on but every single one of us I know share the same sentiments that I have for the Honorable Donna Boley.

I am so honored and privileged that I have had the opportunity to serve with Senator Boley, but only for a few years. Some of you have known her for way longer.

I can tell you that she has been a mentor. She has been a leader. She has been a trailblazer. More importantly, she has been a friend. She is someone that I know I can go to and I will always get advice and support. She will never lead me astray. She's someone that every single person in this body respects. I do not know a single staff member or legislator, whether in this house or in the other,

who does not consider her one of the best representations for what West Virginia is.

I won't read the entire resolution to you but I do want to highlight: Donna—or Senator Boley, sorry—she has been in office and been reelected nine times and has the honor of becoming the longest continuously serving senator in state history. She served as the lone Republican and she has served as the lone woman, also. She has been Minority Leader, President *pro Tem*, and has had to do all the duties that we all now share . . . she had to do on her own.

I can tell you that when I first considered running for the West Virginia Senate everyone told me go talk to Donna Boley. And I did. And she gave me excellent advice on how to campaign and what it was going to be like.

There's really no words that I can say in gratitude for everything that I owe to Senator Boley. And I know, again, that many of us feel the same way. I'm so grateful that some members of her family were able to come. But, more than anything else, I'm just grateful to God for her continued health and her ability to be here and be part of our body. She embodies what a statesman should be.

And thank you for all you do.

---

SENATOR PLYMALE: Thank you, Mr. President.

I would be remiss if I didn't get up and say something because of those nine times that she's been elected, I've been here eight of those . . . through those election cycles. I consider Donna a great friend, a great colleague . . . .

And I will make a statement here that I don't think that we need to make very often. But, sometimes people serve here and they hold a position and they are in an institution that we revere. And some people come here and they become an institution of the institution. So, to me, she has done that. Her long service, her way that she served, her congeniality, her wisdom. I've talked to her many times

about stories of when she was first in and conversations that she had with the former Governor Moore . . . and she kept introducing herself to Governor Moore and he says, "Donna"—excuse me, I know that's not what we're supposed . . . but "Donna, I know who you are."

And, I will say this, that, you know, you may leave your mark on longevity but you also leave your mark on our hearts.

Thank you.

---

SENATOR AZINGER: Mr. President, I have to stand up and say a few words because I share the same district as the esteemed senator and I'm the one who gets to hear at many of the places we go, "Hello, Senator Boley" and they turn to me and say, "Who are you?" Everybody, everybody, everybody knows who Senator Boley is in the third and all across the state.

I remember, I think the first time, Senator, that I ever had a conversation with you one on one was in 1996 at the San Diego convention for Bob Dole and Jack Kemp . . . who lost that one, but . . . .

I think that I've never asked Senator Boley a question on who to call, who to see, what do I do to which she didn't have an answer.

I think, Senator, you said it so well, that she is an institution of an institution. That's really well put.

She's the same as I've always remembered her. What a great lady and she is a servant. She loves doing what she does and she does it so very well. So, I support this resolution, 100 percent.

Thank you, Mr. President.

---

SENATOR STOVER: Thank you, Mr. President.

I would just like to say I came down once as a fairly brand new teacher and I wanted to see the last Republican senator. And I was told several times that I had to hurry that that might be the very last one ever.

And she treated me with . . . . She knew things. She was knowledgeable. She was pleasant, nice.

And I won't say the person that told me that might be the last Republican senator but they sure were wrong, weren't they?

Thank you.

---

At the request of Senator Takubo, unanimous consent being granted, at 11:24 a.m., the Senate recessed to present Senate Resolution 2.

The Senate reconvened at 11:31 a.m.

At the request of Senator Boley, and by unanimous consent, Senator Boley addressed the Senate regarding her legislative tenure.

Thereafter, at the request of Senator Takubo, unanimous consent being granted, the remarks by Senator Boley were ordered extended in the Journal as follows:

SENATOR BOLEY: I just want to thank you all for the speeches.

Bob and I go back a long time and I remember when he was Education chair.

But, I've enjoyed working with each and every one of you. And it was a lonely time there for a while, '91-'92, but I'm so glad that you're all here and look forward to serving with you another four years.

Thank you very much.

---

At the request of Senator Takubo, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the seventh order of business.

**Senate Resolution 3**, Commemorating 150th anniversary of Keyser.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Smith, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Smith regarding the adoption of Senate Resolution 3 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the ninth order of business.

**Senate Bill 142**, Clarifying deadline to file annual report for companies authorized to do business in WV.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 143**, Creating WV Guardian Program.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 144**, Requiring each county board to ensure that its meetings are open to public through in-person attendance and broadcast live on its website.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 145**, Limiting gubernatorial authority to spend certain federal funds without appropriation of Legislature.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Finance.

**Senate Bill 146**, Creating adult education taskforce.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 147**, Adding definition of "ammunition" for purposes of obtaining state license to carry concealed deadly weapon.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 148**, Establishing auto-renewal program for wildlife licenses.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 149**, Relating to municipalities required to be represented on county authority boards.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 150**, Clarifying when magistrate vacancies shall be filled.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 151**, Clarifying terms and offense of human smuggling.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 152**, Displaying official US motto in public schools.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Education.

**Senate Bill 153**, Making adoption records accessible for medical purposes.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 154**, Increasing penalties for drug possession and updating list of offenses.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 155**, Creating Violent Crime Prevention Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 156**, Requiring certain documents that contain wage records be considered confidential.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 157**, Requiring one-year residency within district or county to fill vacancy in Legislature.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 158**, Enhancing penalties for fleeing officer.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 159**, Prohibiting persons convicted of certain crimes against minors from holding positions on boards of education.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 160**, Updating language and increasing penalties for indecent exposure.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 161**, Creating emeritus physician license.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 162**, Establishing Summer Feeding for All Program.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 163**, Establishing aggravated felony offense of reckless driving resulting in death.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 164**, Relating generally to trespassing.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 165**, Creating pilot program for recovery residences in Cabell County.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 166**, Updating contested elections procedures.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 167**, Establishing statewide health and safety fee for tourism and recreational activities by county commissions.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Finance.

**Senate Bill 168**, Granting municipal fire marshal authority to assist law-enforcement officer.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 169**, Allowing physician assistants to own practice.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 170**, Relating to compensable diseases of certain firefighters covered by workers' compensation.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 171**, Prohibiting county commissions from adopting authorization that exceeds state law regarding agriculture operations.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 172**, Revising requirements of local school improvement councils.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 173**, Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 175**, Updating offenses of extortion and attempted extortion.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 176**, Relating to permissible expenditures by Water Development Authority from Infrastructure Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 177**, Protecting consumers against automatic renewals without consent.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 178**, Relating to dental health care service plans.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 179**, Requiring sheriff to serve child abuse and neglect petitions.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 180**, Supplementary appropriation to Department of Economic Development.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Finance.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Oliverio.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Oliverio were ordered printed in the Appendix to the Journal.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 11:50 a.m., the Senate recessed until 4 p.m. today.

The Senate reconvened at 4:07 p.m.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 13**—Commemorating the life of Marilyn Kay Parsons, devoted mother, grandmother, dedicated public servant and icon of the West Virginia Legislature.

At the request of Senator Takubo, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

(Senator Weld in the Chair.)

The question being on the adoption of the resolution, and on this question, Senator Tarr demanded the yeas and nays.

(Senator Blair, Mr. President, in the Chair.)

The roll being taken, the yeas were: Azinger, Barrett, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—27.

The nays were: None.

Absent: Boley, Clements, Karnes, Maroney, Martin, Plymale, and Woelfel—7.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (H. C. R. 13) adopted.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Smith, Caputo, Azinger, Trump, and Blair (Mr. President) as to the adoption of House Concurrent Resolution 13 were ordered extended in the Journal as follows:

SENATOR SMITH: Thank you, Mr. President.

I stand in strong support of the resolution.

I first met Marilyn in 2012 when I first got elected to the Legislature. She was the first person I met. It was on the telephone when I talked to her. You got to realize back then I wasn't near as refined as I am now. And I was a little bit of a loose cannon and country boy. You might as well as have sent me to New York City than send me to Charleston. I mean I had no idea where I was going to stay, what to do, where to go. Marilyn, I called her and, you know, she set up for me to come down and get sworn in ahead of

time and so she could show me around. She helped my wife and I find a place to . . . in fact, she found us the place to live.

I can remember I was in a mining accident when I got elected and I came down on a knee scooter and she made arrangements for me to pull right up to the door, took me through, through the elevators and, you know, it was like I got to bring my mom to Charleston because she was just that type. She was a motherly type.

You know, her and my whole family became really close. I guess she took me as a project child or then Minority Leader, Tim Armstead, asked her to, one or the other. But, we became really, really close and really good friends. She became friends with my wife, my son, my daughter, my grandchildren. You know, back then there wasn't that many Republicans. We were still in the minority but we had grown and she was just tickled to death. She never thought she would ever see us get that many. And then two years later then we took over. I can always remember that she said, "I always wanted more Republicans but now that I got them, I don't know if I should have wished for more Republicans." She'd always say, "It's like herding cats." And that's probably why she came to the Senate when she did.

She was the most wonderful person I've met since I, not only came to Charleston, I mean, just . . . . She always had a smile. She was loving. She loved her kids and grandkids. We talked about her grandkids all the time with her. She'd talk about hers. Many times I was just sitting in her office, you know, late at night . . . cause I don't know if she ever went home a lot of times. It didn't seem like it.

If I was having a bad day—and back then I had a lot of bad days—she would always make your day better after talking to Marilyn. I loved for her to tell the stories about when she worked for Governor Moore. You know, she'd tell about some of the delegates over the years that she worked for. She always had a good story. It don't matter what you were going through, she would tell you a story about somebody else that kind of went through the same thing. She was just . . . . You know, when I came to the Senate, you know, I always told everybody they asked me how I liked the

Senate and I said, "Well, I like it. I like it much better than the House but it would have been nice if I brought Marilyn with me." And lo and behold, Craig brought her over. So, thank you, Mr. President, for doing that.

But she . . . . She was just a wonderful person. And she was kind, loving, and, you know, I'm going to . . . . I miss her. We talked a good bit. You know, after I left the House, I would always go over and see her. When she got here, it seemed like I got busy. I didn't get to spend as much time . . . .

If there's a better person in the world, in my opinion, I haven't met them yet, you know, a public servant. I think, you know, most people here felt the same way about her that knew her, basically, if you knew her for any length of time . . . . She was a dedicated employee. You had to run her out of here. I can remember Speaker Armstead making her go home. You know, she was just . . . . I just can't say enough good about her because she was . . . she was definitely a bright spot in the House of Delegates when she was there and a bright spot in the Senate when she was here because anyone could go and ask her . . . . And, if you had a problem with, a constituent problem or anything, you'd call Marilyn and she would tell you who to call or she would call and take care of it for you. And she just had a wealth of information and she is just . . . .

She's going to be missed. I can tell you that. I know I'm going to miss her. There's definitely a spot in my heart and my family's heart.

I strongly urge a vote for the resolution.

---

SENATOR CAPUTO: Thank you, Mr. President.

I just want to speak briefly coming from the other side of the aisle.

I, too, met Marilyn very early in my career and we became very, very good friends. You know, if you ever needed just a little cheering up once in a while you just popped your head in to see

Marilyn. And, you know, between her and I it was always, "How's my favorite Republican?" and she'd yell back, "How's my favorite Democrat?" We'd laugh and we'd carry on and . . . just, just a true delight.

One of the hardest workers that I've ever been around in my 27 plus years down here.

I think the resolution said she was the first person to come and always the last person to leave.

When I was in leadership and I'd leave late, her light would always be on when I'd walk by the office.

Just so dedicated to those that she worked for.

When my kids were small and my daughter was in to those little Beanie Babies, I bought Marilyn an elephant Beanie Baby. My wife was really upset with me for buying that elephant. She couldn't figure out what I was doing with that, but it was a gift for Marilyn. And she just laughed and carried on. And I know for years, every time I went in to see her she had that thing on her desk. And she kept that. And I always just appreciated that.

It was just a friendship that . . . I think I was telling someone the other day . . . every once in a while in life you just meet someone that immediately you just click with. We had probably nothing in common politically but we had a lot in common I think in our hearts. And we just clicked and became friends, and remained friends throughout my entire career.

I loved talking to her. I loved laughing with her. I loved how she could lighten the moment and lighten the air and someone who has dedicated so many years to public service. It's just incredible in this day and age.

You know, she has probably served with thousands of public servants and I would venture to bet, you could ask every one of them and you would never find one of them say a bad word about Marilyn Parsons. A true lady, a true public servant, and, Mr. President, she will always be my favorite Republican.

---

SENATOR AZINGER: Thank you, Mr. President.

I'll be quick.

I didn't know Marilyn nearly as many years as these guys, like the Senator from Marion. But my dad was in the House for 22 years and I don't know how many times during those years I heard him say, "Well, I'll ask Marilyn. Well, I'll call Marilyn. Let me get ahold of Marilyn."

So, I texted him when Marilyn passed away and asked him a few days later just to make a little statement. He texted me back and said: Marilyn probably knew more about state government than anyone with it. She sure helped a lot of people. She will be sorely missed. She helped me a bunch.

So, I was honored also to be in the House for a couple of years and got to know her and she could stash a bunch of food for us to pig out on. You'll remember that. You'd go into her office and she always had food there and drinks and whatever you needed. And, like everyone said, a big smile for everyone.

I was shocked to turn around in the chamber—I didn't know she was coming over—and I looked and there was Marilyn. I went up to her and I said, "How am I supposed to tell my father that you defected to the Senate?" It was a shock to me. I couldn't believe she was over here after all these years. We laughed about that.

But she'll be greatly missed. What a great woman, a great woman she was.

Thank you, Mr. President.

---

SENATOR TRUMP: Thank you, Mr. President.

So, for me, it was 31 years ago. Thirty-one years ago. And like the Senator from Tucker, Marilyn may have been my first contact. It's amazing sometimes how fast 31 years can zip by.

It's always . . . over the years . . . seems to me, you know, it's such a privilege and an honor to be here for all of us. And you want to come to Charleston, you want to do a good job for the people who had enough confidence in you to send you here to work. And the great truth that underlies all of it is, when you spend any time here, you realize that this building is full of people who are so dedicated.

My colleagues in both houses, the Senate and the House, the staff of both institutions . . . for me it started with Marilyn.

First of all I want to say, I know we have some House members with us, the House resolution is beautiful. It's a beautiful resolution and I certainly support it and thank the House of Delegates for sending that to us for consideration this afternoon. What it says about Marilyn is all true. She was fantastic, a bright light for everybody that came into her orbit.

And for me, 14 years in the House and then here and the years in between . . . You know, I still know it, it's (304) 340-3240. That was the number to House Minority Office. And I would call when I was out and talk to Marilyn, you know. Not necessarily about what was going on in politics but just . . . just to hear her voice. And it's hard for me to imagine a world without her voice.

She's in a better place now to be sure. But many of us, myself included, are going to miss her desperately. Her humor, her dedication . . . The State of West Virginia owes a debt to Marilyn Parsons. Her dedication is indescribable.

I would want to say to her family who are assembled here thank you all so much for sharing her with us.

Thank you, Mr. President.

---

SENATOR BLAIR: Sorry about that, I'm hard of hearing.

Thank you, Mr. President.

I rise in support of this resolution. Listening to everybody else here, I looked and as you were talking, I realized that on my phone, on the very top, is Marilyn Parsons and it's been that way for I think as long as I've had a phone. I didn't realize that. That was not going to be part of my message tonight.

I want to go back to 2002 when I was first elected. I met Marilyn Parsons and I went home and I told my wife I fell in love with someone else. This is not a lie. This is the truth. And it was Marilyn Parsons.

When I became Senate President, the first thing I did was steal Marilyn Parsons and I had to go to the Speaker and apologize because I misstepped and I didn't talk to him beforehand on doing that. But I'd offered her a job twice before working for me and she always told me no. I think that the House of Delegates had went to 80 some or whatever, I said, "Come on over to the Senate. It's a retirement plan for you." Because she takes care of everybody. As the Senator from Marion was talking about, regardless of the party, regardless of the individual, she did everything that she could to be able to help us do our jobs better here for the people of West Virginia.

There was many days that I'm sitting back here and I'm working late and it's 8 - 9 o'clock in the evening and—I'm back here trying to catch up on paperwork because there's nobody here and I'm able to get some of this done—and I walk out and she's sitting at the desk. I'm like, "Why are you here?" And she goes, "I don't go home until the President goes home." I said, "Well, we need to change that rule." But it didn't change for her.

I'm not good with names . . . and Marilyn Parsons did something that most others couldn't. She had an institutional knowledge being at this job for 40 years. She went way back and she knew everybody and knew when things happened. Do you realize how advantageous that is if you're the Speaker, or Senate President, or just a member, where she can sit there and say, "No, that's been tried before and here's why it was a bad idea at least at that point in time." What a wealth of knowledge. A wealth of

knowledge in making it so that we could actually do better what we do.

How many people in here knew that she did shorthand? That was the most amazing thing to sit there and . . . she could take notes in shorthand. And there's not a one of us in this room that could have read what she was doing, what was on there, but those notes were there. And that's an art that's gone. But that was something that Marilyn was quite excellent at.

Now, there was another thing that . . . this about goes back to 2003, is whenever you ask Marilyn a question, she had this drawer down there, she'd pull it out, and out comes the answer to your question. I used to talk to her about that all the time and say how is it that you have all the answers that get asked on this. And lots of times the stuff wasn't in the drawer, she was just messing with me. But it worked.

I'm so blessed to have had her in my political life and personal life. Words don't do it justice to talk about.

I got one other thing that's a good story and I didn't bring it out. It's a prop. I'll use it later tonight at the memorial service. (You're here. Yes. I'm glad you're here.) There was a picture . . . . When I was in seventh grade I wrote letters to Nixon and Agnew, and all them and got them to send me a picture. They'd send campaign buttons. You know, when you're young getting a package in the mail is a big deal. It was fun. And I didn't realize that these people would actually send you stuff. So, they did and I started collecting campaign buttons and stuff like that.

Well, I wrote to Arch Moore. He sent me a color picture when everybody else's was black and white. And then the ink on it was in gold: "To my friend Craig Blair". I forget exactly what it says—I'm getting to your part of the story here in a minute. And, I know it wasn't two weeks because I brought that picture down with me to the capitol to hang up on the wall because I was a fan of Arch Moore. And she goes, "I worked for Arch." She goes, "I was there. I know exactly how he did the gold ink. He took gold foil and wrote on top of it and peeled it up." That's how that was on there. The

reason I'm telling this story is because she had the answers just about to everything's going on. It's tied back into that institutional knowledge.

She's sorely going to be missed by each one of us in this chamber and the staff. All of us. She's irreplaceable.

But times change. All of us will be joining Marilyn in the future and that's a guarantee from my standpoint.

I left your part of the story out. I decided I was going to . . . Well, I'll go ahead and tell it. You should have seen this guy's face. He got an Arch Moore picture just like mine and I went up and swapped it out one day. He thought I'd defaced it by putting my name on there [inaudible] his. He was in the House of Delegates at the time. The first person I went to tell the story to was Marilyn Parsons. I said, "Aw, I got over on Delegate Nelson like you wouldn't believe." And she laughed and laughed and laughed. You weren't laughing at first then you realized what I was doing. And I was in his office, I shouldn't have done what I did, but it was irresistible.

And so, I guess that's the word I should use to close out, that Marilyn Parsons was irresistible. You couldn't keep her down. And what she's done for this state, and our family here, and her family back there—you guys sacrificed by giving her up, there's no question about that, but the game that we play here is about sacrifice—and our state. There's nobody in this chamber, in this building that has not had a greater impact on the State of West Virginia than Marilyn Parsons and she never took one vote. She made it so that we were informed on what we did.

Join us this evening as we celebrate Marilyn's life and her contributions to our world that we call the State of West Virginia.

And I strongly, strongly, strongly support this resolution, Mr. Speaker.

---

At the request of Senator Takubo, unanimous consent being granted, at 4:36 p.m., the Senate recessed to present House Concurrent Resolution 13.

The Senate reconvened at 4:44 p.m. and proceeded to the thirteenth order of business.

At the request of Senator Takubo, unanimous consent being granted, a leave of absence for the day was granted Senator Karnes.

Senator Blair (Mr. President) announced the replacement of Senator Stover as Vice Chair of the Committee on Agriculture and Natural Resources with Senator Deeds.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 10, 2024:

**Senate Bill 142:** Senators Hamilton and Jeffries;

**Senate Bill 143:** Senators Weld, Jeffries, and Grady;

**Senate Bill 144:** Senators Jeffries, Grady, Taylor, and Nelson;

**Senate Bill 146:** Senator Hamilton;

**Senate Bill 147:** Senators Chapman and Jeffries;

**Senate Bill 148:** Senators Trump and Grady;

**Senate Bill 149:** Senator Deeds;

**Senate Bill 150:** Senator Hamilton;

**Senate Bill 151:** Senators Grady, Stuart, and Jeffries;

**Senate Bill 152:** Senators Grady, Stuart, and Jeffries;

**Senate Bill 153:** Senators Chapman, Grady, and Jeffries;

**Senate Bill 154:** Senators Stuart and Jeffries;

**Senate Bill 156:** Senator Stuart;

**Senate Bill 157:** Senators Deeds, Caputo, Stuart, and Jeffries;

**Senate Bill 158:** Senators Stuart, Grady, and Jeffries;

**Senate Bill 159:** Senators Hamilton, Trump, Stuart, Grady, and Jeffries;

**Senate Bill 160:** Senators Stuart and Jeffries;

**Senate Bill 161:** Senator Hamilton;

**Senate Bill 162:** Senators Hamilton, Caputo, Grady, Nelson, and Plymale;

**Senate Bill 163:** Senators Hamilton and Barrett;

**Senate Bill 164:** Senator Deeds;

**Senate Bill 165:** Senators Hamilton, Phillips, Grady, Stuart, and Plymale;

**Senate Bill 166:** Senator Stuart;

**Senate Bill 167:** Senator Deeds;

**Senate Bill 168:** Senators Stuart, Jeffries, and Roberts;

**Senate Bill 169:** Senators Hamilton, Smith, and Jeffries;

**Senate Bill 170:** Senators Stuart, Jeffries, and Grady;

**Senate Bill 171:** Senators Trump and Jeffries;

**Senate Bill 172:** Senators Deeds, Swope, and Jeffries;

**Senate Bill 173:** Senator Stuart;

**Senate Bill 174:** Senators Smith and Stuart;

**Senate Bill 175:** Senators Hamilton, Deeds, and Caputo;

**Senate Bill 176:** Senators Deeds and Jeffries;

**Senate Bill 177:** Senators Deeds, Trump, Caputo, Smith, and Plymale;

**Senate Bill 178:** Senators Stuart and Jeffries;

**Senate Bill 180:** Senators Swope and Plymale;

**Senate Bill 181:** Senators Chapman and Deeds;

**Senate Bill 183:** Senators Deeds, Trump, and Caputo;

**Senate Bill 184:** Senators Chapman, Deeds, and Caputo;

**Senate Bill 185:** Senators Swope and Jeffries;

**Senate Bill 186:** Senators Hamilton, Chapman, Stuart, Grady, and Jeffries;

**Senate Bill 187:** Senators Deeds, Stuart, and Jeffries;

**Senate Bill 188:** Senators Deeds, Phillips, and Jeffries;

**Senate Bill 189:** Senators Deeds, Trump, and Rucker;

**Senate Bill 190:** Senators Deeds, Trump, and Woelfel;

**Senate Bill 191:** Senator Deeds;

**Senate Bill 193:** Senator Chapman;

**Senate Bill 194:** Senators Chapman and Swope;

**Senate Bill 196:** Senators Deeds, Plymale, and Jeffries;

**Senate Bill 198:** Senator Swope;

**Senate Bill 199:** Senators Chapman and Swope;

**Senate Joint Resolution 2:** Senator Hamilton;

**Senate Joint Resolution 3:** Senator Phillips;

**Senate Joint Resolution 4:** Senators Hamilton, Deeds, Phillips, Stuart, Jeffries, and Roberts;

**Senate Joint Resolution 5:** Senators Deeds, Phillips, Smith, and Jeffries;

**Senate Concurrent Resolution 1:** Senator Jeffries;

**Senate Concurrent Resolution 2:** Senators Nelson and Jeffries;

**Senate Concurrent Resolution 3:** Senator Phillips;

**Senate Concurrent Resolution 4:** Senator Phillips;

**Senate Concurrent Resolution 5:** Senator Phillips;

**Senate Concurrent Resolution 6:** Senator Phillips;

**Senate Concurrent Resolution 7:** Senator Phillips;

**Senate Resolution 2:** Senators Deeds, Swope, Phillips, Smith, Nelson, Jeffries, Caputo, Roberts, Woelfel, Azinger, Barrett, Clements, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Oliverio, Plymale, Queen, Stover, Stuart, Takubo, Tarr, Taylor, Trump, Weld, and Woodrum;

And,

**Senate Resolution 3:** Senators Hamilton, Phillips, Taylor, Rucker, and Jeffries.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 4:45 p.m., the Senate adjourned until tomorrow, Friday, January 12, 2024, at 9 a.m.

---

## FRIDAY, JANUARY 12, 2024

The Senate met at 9 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by David Lavender, Senate Sergeant at Arms, Hurricane, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Eric J. Tarr, a senator from the fourth district.

Pending the reading of the Journal of Thursday, January 11, 2024,

At the request of Senator Plymale, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Woelfel:**

**Senate Bill 301**—A Bill to amend and reenact §37-6-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §37-6A-1 and §37-6A-5 of said code; and to amend and reenact §55-3A-1 of said code, all relating generally to clarifying that tenancy includes persons who reside in a sober living home; providing a definition for a "sober living home"; and providing that reasonable attorney's fees shall be awarded for a landlord's willful or bad-faith noncompliance relating to rental security deposits when the tenant resides in a sober living home.

Referred to the Committee on the Judiciary.

**By Senator Woelfel:**

**Senate Bill 302**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7g, relating to authorizing a child sexual abuse and sexual violence prevention program and in-service training in child sexual abuse prevention.

Referred to the Committee on Education.

**By Senator Woelfel:**

**Senate Bill 303**—A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to amending the penalty of simple possession of marijuana from a misdemeanor crime to a civil violation; and amending the penalties from those of a misdemeanor crime to a civil violation.

Referred to the Committee on the Judiciary.

**By Senator Phillips:**

**Senate Bill 304**—A Bill to amend and reenact §29-3E-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-3-14d and §33-3-33 of said code; and to amend and reenact §33-12C-7 of said code, all relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers; defining terms; providing method of allocation and distribution for proceeds of fireworks safety fee deposited in Fire Protection Fund; eliminating obsolete language; increasing surcharge on fire and casualty policies; providing method of allocation of policy surcharge; requiring the State Fire Marshal provide certain information to the State Treasurer; increasing tax on surplus lines policies; providing method of allocation of surplus lines policy tax; and clarifying requirements for distribution of funds in Fire Protection Fund.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senator Hamilton:**

**Senate Bill 305**—A Bill to amend and reenact §5A-3-10 of the West Virginia Code, 1931, as amended, relating to requiring certain purchases of commodities and services from nonprofit

workshops; and requiring the director consult with the Committee on the Purchase of Commodities and Services from the Handicapped in making purchasing decisions.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senator Hamilton:**

**Senate Bill 306**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-39-1, §19-39-2, §19-39-3, §19-39-4, §19-39-5, §19-39-6, §19-39-7, §19-39-8, §19-39-9, and §19-39-10, all relating to creating the Right to Repair Act; creating a short title; defining terms; establishing jurisdiction of the Commissioner of Agriculture; establishing requirements; establishing limitations; establishing prohibitions; providing for rulemaking; establishing violations; imposing civil penalties; authorizing civil actions, penalties, and injunctive relief; and providing for applicability and effective date of article.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Phillips:**

**Senate Bill 307**—A Bill to amend and reenact §61-2-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f, and §61-2-2g; to repeal §61-11-2 of said code; to amend said code by adding thereto four new sections; designated §62-7-4, §62-7-5, §62-7-6, and §62-7-6a, and to repeal §62-3-15 of said code; all relating to the Patrolman Cassie Marie Johnson Memorial Act and the death penalty for first degree murder; providing for procedures, standards, and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so

sentenced; providing for transmission of indictment, order of conviction, sentence, and judgment entered thereon to the warden of the state correctional facility; transferring of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Woelfel:**

**Senate Bill 308**—A Bill to amend and reenact §55-2-15 of the Code of West Virginia, 1931, as amended, relating to eliminating the limitations period for a civil action based on a personal action of childhood sexual assault or abuse only for the purposes of filing claims against a bankruptcy estate.

Referred to the Committee on the Judiciary.

**By Senator Woelfel:**

**Senate Bill 309**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-26, relating to authorizing a child or childcare tax credit.

Referred to the Committee on Finance.

**By Senators Deeds and Grady:**

**Senate Bill 310**—A Bill to amend and reenact §16-2D-11 of the Code of West Virginia, 1931, as amended, relating to exempting the acquisition and utilization of a mobile facility which performs mammography or low-density computerized tomography.

Referred to the Committee on Health and Human Resources.

**By Senator Rucker:**

**Senate Bill 311**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §9-5-34; to amend said code by adding thereto a new

section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-4ww; to amend said code by adding thereto a new section, designated §33-24-7xx; to amend said code by adding thereto a new section, designated §33-25-8v; and to amend said code by adding thereto a new section, designated §33-25A-8xx, all relating to requiring the Public Employees Insurance Agency, the Bureau for Medical Services, and various insurance companies to provide coverage for non-stress fetal tests, including an ultrasound; including coverage for tests performed remotely in a residence; and providing reimbursement by the Public Employees Insurance Agency, the Bureau for Medical Services, and the health insurer for the covered service.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senators Swope and Phillips:**

**Senate Bill 312**—A Bill to amend and reenact §49-2-803 of the Code of West Virginia, 1931, as amended, relating to requiring Child Protective Services to interview mandatory reporters who submit screened-in abuse/neglect referrals.

Referred to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 313**—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §9-1-2 of said code; and to amend and reenact §9-5-12 of said code, all relating to allowing for doula reimbursement under the West Virginia Public Employees Insurance Act and Medicaid.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Chapman:**

**Senate Bill 314**—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to strengthening the definition of shelter for animals exposed to extreme weather; clarifying the minimum requirements for what constitutes a shelter; and clarifying what does not amount to a shelter.

Referred to the Committee on Agriculture and Natural Resources; and then to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 315**—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempting from ad valorem property tax all property used for divine worship, including parts of those properties that are used for educational and other charitable purposes.

Referred to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 316**—A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended, relating to nonintoxicating beer; unlawful acts of licensees; and providing that it is unlawful for brewers or distributors to offer any prize, premium, gift, or other similar inducement, except advertising matter, including indoor electronic or mechanical signs, of nominal value up to \$250 per stock keeping unit, to either trade or consumer buyers.

Referred to the Committee on the Judiciary.

**By Senator Smith:**

**Senate Bill 317**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-12-1, relating to transferring child welfare enforcement responsibilities to the West Virginia State Police; transferring employees, funds, and property of the Department of Health and Human Resources to the West Virginia State Police; providing that transferred employees remain in the Civil Service System, continue to participate in Public Employees Retirement System Insurance, and continue to be covered by the Public Employees Insurance Act; and requiring rulemaking.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senators Trump, Weld, and Woelfel:**

**Senate Bill 318**—A Bill to amend and reenact §48-22-502 of the Code of West Virginia, 1931, as amended, relating to modifying the process of when parental rights have been terminated.

Referred to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 319**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-9-1, §46A-9-2, and §46A-9-3, all relating to defining terms; requiring pharmacies in West Virginia to charge senior citizens the lowest national price for prescription drugs; and granting enforcement powers to the Attorney General.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 320**—A Bill to amend and reenact §60-8-6d and §60-8-32a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §60-8-8, all relating to West Virginia wineries; removing the requirements for wineries to serve food in order to serve and sell wine by the glass or bottle; allowing the service of wine in glasses and the sale of bottles and glasses of wine for consumption of wine on winery properties both indoors or outdoors; and permitting the sale of wines made by West Virginia wineries at West Virginia wine festivals.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 321**—A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to limitations upon municipalities' power to restrict the sale and storage of weapons and ammunition; and preventing municipalities from targeting protected businesses with planning and zoning

ordinances more restrictive than those placed upon other businesses.

Referred to the Committee on Government Organization.

**By Senator Tarr:**

**Senate Bill 322**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-5a, relating to establishing the crime of sexual assault in the fourth degree; prohibiting school personnel from subjecting a minor student to sexually explicit or oriented discussion, gender persuasion, reading or viewing material as a condition of academic advancement, including any requirement of permission from an individual student, parent, or guardian that is not the exact same for the minor's classmates; and establishing penalties for violation.

Referred to the Committee on the Judiciary.

**By Senator Woelfel:**

**Senate Bill 323**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-27, relating to expenses associated with childcare.

Referred to the Committee on Finance.

**By Senator Taylor:**

**Senate Bill 324**—A Bill to amend and reenact §18-9D-1, §18-9D-2, §18-9D-3, §18-9D-4, §18-9D-4a, §18-9D-4b, §18-9D-4c, §18-9D-4d, §18-9D-6, §18-9D-7, §18-9D-8, §18-9D-9, §18-9D-10, §18-9D-12, §18-9D-13, §18-9D-14, §18-9D-15, §18-9D-16, §18-9D-17, §18-9D-20, and §18-9D-21 of the Code of West Virginia, 1931, as amended, all relating to changing the name of the School Building Authority to the School Maintenance Authority.

Referred to the Committee on Education.

**By Senator Takubo:**

**Senate Bill 325**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§60A-8-6a, relating to the distribution of drugs to safety net providers and contract pharmacies; penalties; and preemption.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Caputo:**

**Senate Bill 326**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §23-4D-1, §23-4D-2, §23-4D-3, §23-4D-4, §23-4D-5, and §23-4D-6, all relating to creating the West Virginia Black Lung Program; granting entitlement for pain and suffering for occupational pneumoconiosis; providing that 10 years' exposure as a miner is a conclusive presumption of entitlement to pain and suffering benefits; calculation of benefits; tax credit for benefits; imposing additional severance tax and tax on generation of electricity by solar and wind devices; creating the State Black Lung Fund; requiring the Governor and Legislature to cooperate with other states to attempt to recoup the federal excise tax on coal; and proposal of rules by the Insurance Commissioner and Tax Commissioner.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Woelfel:**

**Senate Bill 327**—A Bill to amend and reenact §18-31-2 and §18-31-7 of the Code of West Virginia, 1931, as amended, all relating to providing funding for the Hope Scholarship Program and the parameters thereof; and providing definitions.

Referred to the Committee on Finance.

**By Senator Boley:**

**Senate Bill 328**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-32a, relating to providing voters with the ability to identify and verify their ballot cast in a statewide election held in West Virginia.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senators Deeds, Grady, Plymale, Takubo, and Woodrum:**

**Senate Bill 329**—A Bill to amend and reenact §9-5-27 of the Code of West Virginia, 1931, as amended, relating to extending managed care.

Referred to the Committee on Health and Human Resources.

**By Senators Deeds, Grady, and Takubo:**

**Senate Bill 330**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-10-1, relating to a state-funded psychiatric residency program; creating a program fund; and setting forth proposed appropriations.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Clements:**

**Senate Bill 331**—A Bill to amend and reenact §7-21-3 of the Code of West Virginia, 1931, as amended, relating to eliminating the cap on the maximum amount of money in a county's financial stabilization fund.

Referred to the Committee on Government Organization.

**By Senator Clements:**

**Senate Bill 332**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-5-16; to amend and reenact §17A-1-1 of said code; to amend said code by adding thereto a new section, designated §17A-3-14j; to amend and reenact §17A-3-15 of said code; to amend and reenact §17A-10-1 and §17A-10-3 of said code; to amend and reenact §17B-1-1 of said code; to amend and reenact §17B-2-7b of said code; to amend said code by adding thereto a new section, designated §17C-1-71; to amend said code by adding thereto a new section, designated §17C-14-16; to amend and reenact §17C-15-44 of said code; and to amend and reenact §17C-16-10 of said code, all relating to roadable aircraft; specifying taxation of roadable aircraft, defining terms; requiring special registration plates for

roadable aircraft and establishing annual fee per plate; regulating display of registration plates; classifying roadable aircraft for purpose of registration and establishing registration fee; correcting citation cross references; exempting roadable aircraft operators from motorcycle examination, licensing, and endorsement requirements; clarifying that a roadable aircraft is considered a motor vehicle if it is operated on a highway for purposes of traffic regulations and laws of the road; prohibiting roadable aircraft from taking off from, or landing on, any highway except if landing due to an emergency; exempting persons with a valid driver's license who are operating or riding in a fully enclosed roadable aircraft from the motorcycle helmet requirement; exempting roadable aircraft from the vehicle inspection requirement under certain circumstances; imposing duties on the Division of Motor Vehicles related to roadable aircraft; and authorizing rulemaking by the Division of Motor Vehicles related to roadable aircraft.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Taylor:**

**Senate Bill 333**—A Bill to amend and reenact §5-16-1, §5-16-2, §5-16-3, §5-16-4, §5-16-5, §5-16-7, §5-16-7a, §5-16-7c, §5-16-7d, §5-16-8, §5-16-9, §5-16-10, §5-16-11, §5-16-12, §5-16-12a, §5-16-13, §5-16-15, §5-16-16, §5-16-17, §5-16-18, and §5-16-24 of the Code of West Virginia, 1931, as amended; to repeal §5-16-7e of said code; and to amend said code by adding thereto a new article, designated §5-16A-1, §5-16A-2, §5-16A-3, §5-16A-4, §5-16A-5, §5-16A-6, §5-16A-7, §5-16A-8, §5-16A-9, §5-16A-10, §5-16A-11, §5-16A-12, §5-16A-13, §5-16A-14, §5-16A-15, §5-16A-16, §5-16A-17, §5-16A-18, §5-16A-19, and §5-16A-20, all relating generally to the Public Employees Insurance Agency; providing for dissolution of the Public Employees Insurance Agency; converting state agency to employer-owned mutual insurance company; setting forth a short title; defining terms; clarifying the duties of the director; providing for private carriers to insure public employees; providing for employees of the agency to be exempt from provisions of civil service coverage; providing for personnel provisions for employees laid off in first year of

operation; providing for retraining benefits for laid-off employees; providing for transfer of certain Public Employees Insurance Agency functions, rights, responsibilities, employees and assets to the Insurance Commissioner and the Public Employees Insurance Council; providing certain civil remedies to commission, mutual company and private carriers; providing for transfer of authority over certain funds to the Insurance Commissioner; providing for capital and surplus requirements of employers' mutual insurance company; providing for election of a board of directors of employers' mutual insurance company; providing for governance and organization of the new mutual insurance company; providing for establishment of claims index to assist insurers; providing for establishment and administration of certain funds and accounts in the State Treasury; providing for adverse risk assignment plan; providing, upon meeting of certain criteria, for issuance of proclamation by the Governor; providing for preferential placement of any employee laid off after transfer of functions; providing certain retraining and other benefits; providing for novation of policies to new employers mutual insurance company; providing for requirements of a basic policy of public employees insurance; providing for setting of insurance rates; providing for collection of premiums; providing for transfer of rules to be applicable to the public employees insurance market; providing for transfer of certain assets to new mutual insurance company; providing for selection of finance board members by Governor; providing for a Public Employees Insurance Council; making technical corrections throughout; providing internal effective dates; providing for civil administrative and criminal penalties; and making conforming changes throughout.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 334**—A Bill to amend and reenact §18B-1-1f of the Code of West Virginia, 1931, as amended, relating to authorizing Bluefield State University and West Virginia State University to offer associate degrees on their campuses without Higher Education Policy Commission or Council for Community

and Technical College Education approval; and providing exception.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 335**—A Bill to amend and reenact §59-1-16 of the Code of West Virginia, 1931, as amended, relating to modifying the fee and mileage rate paid to witnesses in the State of West Virginia to match the United States Federal Court system.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Clements:**

**Senate Bill 336**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13NN-1, §11-13NN-2, §11-13NN-3, §11-13NN-4, §11-13NN-5, and §11-13NN-6, all relating to creating the Return to West Virginia Tax Credit Act; providing for a title, findings, and purpose; providing for a nonrefundable credit against state personal income taxes; providing a definition; providing for limitations and eligibility requirements of the credit; authorizing legislative rule; authorizing the Tax Commissioner to create forms and require documentation; providing for effective and expiration dates of the credit; and requiring reporting.

Referred to the Committee on Finance.

**By Senator Stover:**

**Senate Bill 337**—A Bill to amend and reenact §20-18-2, §20-18-5, and §20-18-6 of the Code of West Virginia, 1931, as amended, all relating to the Natural Resources Police Officers Retirement System; including newly hired state correctional officers in the Natural Resources Police Officers Retirement System; providing for supplemental funding of the Natural Resources Police Officers Retirement System; and providing for additional recruitment and retention opportunities of Natural Resources Police Officers.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 338**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-17-3b, relating to permitting the Legislature to file suit in limited circumstances against the executive branch in order to faithfully execute laws passed.

Referred to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 339**—A Bill to amend and reenact §61-8-5 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §61-8-5a; and to amend and reenact §61-8-6, §61-8-7, and §61-8-8 of said code, all relating to increasing the penalties for operating a house of prostitution; specifying persons operating a house of prostitution shall be charged with a felony; increasing fines; increasing punishments; removing antiquated language; adding penalties for customers of prostitution; and specifying punishment will be served in a state correctional facility.

Referred to the Committee on the Judiciary.

**By Senator Martin:**

**Senate Bill 340**—A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to preventing public water and sewer utilities from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service if certain requirements are met; and specifying requirements and involvement of the Public Service Commission.

Referred to the Committee on the Judiciary.

**By Senator Grady:**

**Senate Bill 341**—A Bill to amend and reenact §18A-4-10a of the Code of West Virginia, 1931, as amended, relating to bonuses

for unused days of personal leave for school personnel, including professional and service employees.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 342**—A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-8-1 of said code; and to amend and reenact §60A-9-4 of said code, all relating to medical cannabis generally; modifying allowable forms of medical cannabis to include edible form; modifying the unlawful use of medical cannabis; updating the Controlled Substances Monitoring Program Database; adding the reporting of dispensing medical cannabis to the Controlled Substances Monitoring Program Database; and providing certain required information for controlled substances monitoring.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Woelfel:**

**Senate Bill 343**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-4-11, relating to requiring state institutions of higher education, to the extent feasible, to provide to their students without charge and in a manner that protects student confidentiality, transportation to and from a local hospital for a trained health care provider to administer a sexual assault forensic medical examination kit where a student seeks support after experiencing sexual violence.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Woelfel:**

**Senate Bill 344**—A Bill to amend and reenact §30-30-30 of the Code of West Virginia, 1931, as amended, relating to

registration as service worker for the Bureau for Children and Families of the Department of Health and Human Resources.

Referred to the Committee on Health and Human Resources.

**By Senator Woelfel:**

**Senate Bill 345**—A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-8A-5, all relating to creating a homeless education coordinator in counties designated by the state board as an urban county.

Referred to the Committee on Education.

**By Senator Nelson:**

**Senate Bill 346**—A Bill to amend and reenact §20-18-2 and §20-18-6 of the Code of West Virginia, 1931, as amended, all relating to including state correctional officers in the Division of Natural Resources Police Officer Retirement System.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 347**—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exemptions from personal income tax; providing for an exemption for members of certain uniformed services; exempting Social Security benefits from personal income tax; clarifying that tier one railroad retirement benefits are not subject to personal income tax; specifying an effective date; and removing obsolete language.

Referred to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 348**—A Bill to amend and reenact §3-8-1a of the Code of West Virginia, 1931, as amended, relating to regulation and control of elections; and updating the definition of "electioneering communication" to be consistent with the Federal Election Commission.

Referred to the Committee on Government Organization.

**By Senator Stuart:**

**Senate Bill 349**—A Bill to amend and reenact §3-5-7 and §3-5-19 of the Code of West Virginia, 1931, as amended, all relating generally to election reforms; clarifying contents of certificate of announcement; clarifying timing of challenge to candidate qualifications; and limiting the authority of political parties to fill vacancies in nomination caused by voluntary withdrawal.

Referred to the Committee on the Judiciary.

**By Senator Martin:**

**Senate Bill 350**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8H-1, §31A-8H-2, §31A-8H-3, and §31A-8H-4, all relating to unlawful discriminatory practices by a financial institution or government entity against manufacturers, retailers, distributors, shooting ranges, or trade associations that support or are engaged in the lawful commerce of firearms, firearms accessories, or ammunition products; authorizing a declaratory judgment action to be brought by the Attorney General in the name of the state; and providing for an award of monetary damages and costs and other remedies against the violators including potential discontinuance of business by the state with these violators.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 351**—A Bill to amend and reenact §11-15-9u of the Code of West Virginia, 1931, as amended, relating to the definition of small arms for purposes of taxation; defining terms, and expanding definition of "small arms" to include receiver or frame as part of the small arm.

Referred to the Committee on Finance.

**By Senators Rucker, Azinger, Boley, Chapman, Deeds, Grady, Martin, Maynard, Phillips, Smith, Stover, Stuart, Tarr, Taylor, and Woodrum:**

**Senate Bill 352**—A Bill to amend and reenact §16-2R-2, §16-2R-6, §16-2R-7, §16-2R-8, and §16-2R-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §16-2R-10, §16-2R-11, §16-2R-12, and §16-2R-13, all relating to modifying the Unborn Child Protection Act; providing for definitions; creating a process of informed consent; providing for printed information; providing for the creation of an Internet website; providing for an informed consent procedure in case of medical emergency; providing for reporting; providing for licensure action; providing for protection of aborted fetuses born alive; and providing for severability.

Referred to the Committee on Health and Human Resources.

**By Senators Swope and Phillips:**

**Senate Bill 353**—A Bill to repeal §48-9-301 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-302 of said code, relating to removing the discretion of the court to issue a written investigation for proceedings; ensuring that the West Virginia judiciary remains neutral and detached in all matters pending before any court of this state; ensuring that the West Virginia judiciary does not in any way initiate or participate in investigations or other activities properly reserved to the executive consistent with the separation of powers required under section one, article V, of the Constitution of the State of West Virginia; ensuring that the West Virginia judiciary at all times in the performance of its duties acts in a manner consistent with West Virginia Judicial Code of Conduct Rule 2.9, which states that "[a] judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter"; and ensuring that courts are abiding by the foundational principle of Anglo-American jurisprudence rooted in the Magna Carta and the Due Process clauses of the United States Constitution that no person may have their rights curtailed or stripped from them without the

right to confront any witnesses and to rebut any evidence against them, as well as to present their own witnesses and evidence to the court.

Referred to the Committee on the Judiciary.

**By Senators Plymale, Jeffries, Maynard, Swope, and Woelfel:**

**Senate Bill 354**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-11-1, §5B-11-2, and §5B-11-3, all relating to creating the West Virginia Advanced Energy and Economic Corridor Authority Commission; legislative findings; and requiring annual reporting to the Joint Committee on Government and Finance.

Referred to the Committee on Economic Development.

**By Senators Trump, Weld, and Woelfel:**

**Senate Bill 355**—A Bill to amend and reenact §57-3-3 of the Code of West Virginia, 1931, as amended, relating to spousal privilege; and expanding the exceptions to spousal privilege to exclude therefrom cases in which the offense at issue was committed against any child rather than a child of one or both spouses.

Referred to the Committee on the Judiciary.

**By Senators Boley, Azinger, Barrett, Chapman, Clements, Deeds, Hamilton, Hunt, Jeffries, Maynard, Nelson, Phillips, Queen, Rucker, Smith, Stover, Stuart, and Swope:**

**Senate Bill 356**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-32a; and to amend and reenact §3-4-11a of said code, all relating to providing voters with the ability to identify and verify their ballot cast in a statewide election in West Virginia.

Referred to the Committee on the Judiciary.

**By Senator Takubo:**

**Senate Bill 357**—A Bill to amend and reenact §30-4-11 of the Code of West Virginia, 1931, as amended, relating to the scope of

practice of a dental hygienist; and permitting a dental hygienist to perform tobacco cessation education.

Referred to the Committee on Health and Human Resources.

**By Senator Martin:**

**Senate Bill 358**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-35-1, §22-35-2, §22-35-3, §22-35-4, and §22-35-5, all relating generally to creating the Natural Resources Anti-Commandeering Act; stating legislative findings; prohibiting agencies of this state and political subdivisions or employees thereof from knowingly and willingly participating in the enforcement of any federal act, law, order, rule, or regulation relating to coal, oil, gas, timber, or other extractive resources which do not exist under the laws of this state; prohibiting assets or funds of the state from being used in activity assisting enforcement of any federal act, law, order, rule, or regulation relating to coal, oil, gas, timber, or other extractive resources which do not exist under the laws of this state; providing penalties therefore; and providing for severability.

Referred to the Committee on the Judiciary.

**By Senator Martin:**

**Senate Bill 359**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-10a, relating to declaring the sale, repair, maintenance, and manufacture of firearms, ammunition, and related accessories and components, to be essential businesses and services for the purposes of safety and security in times of declared emergency or any other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or other emergencies; prohibiting specific governmental regulation of firearms, ammunition, components or accessories of any kind or nature, or their use or possession; extending the expiration date of concealed license during emergencies; creating an action for damages, injunctive relief, declaratory relief, or other appropriate redress for the unlawful seizure or confiscation of firearms or related accessories and components; and providing for civil damages.

Referred to the Committee on the Judiciary.

**By Senator Stuart:**

**Senate Bill 360**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, §16-67-6, and §16-67-7, all relating to creating the Substance Abuse Intervention Act; providing for a short title; providing for involuntary treatment for a substance use disorder and setting forth the rights of a patient; establishing criteria for involuntary treatment; creating a petition for 60-day and 360-day involuntary treatment and a guarantee for costs; providing for proceedings for involuntary treatment; describing the duties of court, and disposition; setting forth a 72-hour emergency involuntary treatment; describing the failure to attend examination, setting forth a summons, and describing transportation to hospital or psychiatric facility; and providing that this bill shall be known as "Joel's Law".

Referred to the Committee on the Judiciary.

**By Senator Stuart:**

**Senate Bill 361**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, related to creating the Promise for a Promise Act; modifying the Promise Scholarship to be given in the form of a loan to eligible students; and requiring that each recipient be awarded the loan only for each subsequent year that the student remains in West Virginia after graduation.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Stuart:**

**Senate Bill 362**—A Bill to amend and reenact §16-54-3 and §16-54-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-54-8a, all relating to the availability of prescription nonopioid medications available; and requiring the Department of Health and Human Resources to make information available to the public about the availability of such treatments.

Referred to the Committee on Health and Human Resources.

**By Senator Taylor:**

**Senate Bill 363**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-16; and to amend and reenact §61-7-11a of said code, all relating to creating the School Safety Act; creating a mobile training team for the purpose of school safety; providing for regional mobile training officers; empowering the West Virginia Department of Homeland Security to create the program; providing for coordination between school protection officers and the mobile training team; permitting elementary and secondary school teachers and administrators to carry concealed weapons; classifying such persons who carry concealed weapons as school protection officers; providing that any teacher or administrator may become a school protection officer; providing for exceptions; defining public notice for when a school has a school protection officer on location; providing for an incentive in the form of a bonus to be given to school protection officers; and providing that this incentive may be revoked if school protection officers lose their classification.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 364**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11A-5-1, §11A-5-2, and §11A-5-3, relating to prohibiting counties and municipalities from double-taxing residential rental properties in order to keep rent payments affordable for West Virginia residents.

Referred to the Committee on Government Organization.

**By Senator Weld:**

**Senate Bill 365**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-65, relating to waivers of fees for emergency responders disabled in the line of duty for hunting, trapping, and fishing

licenses; establishing procedures and requirements for requesting the waiver; and permitting the promulgation of rules by the Division of Natural Resources.

Referred to the Committee on Agriculture and Natural Resources; and then to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 366**—A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to termination of parental rights; and requiring the Department of Health and Human Resources to file a petition to terminate parental rights when a parent has, on two separate occasions, had their child removed from their care and determined by a court to have subjected that child to abuse or neglect.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 367**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9b, relating to prohibiting a school district, a public charter school, the West Virginia Board of Education, the West Virginia Department of Education, or any employee of the aforementioned entities, within the scope of his or her employment, from requiring or otherwise compelling a student, teacher, administrator, or other employee to affirm, adopt, or adhere to certain specified concepts; limiting prohibitions; providing that complaints may be filed pursuant to current state board policy; requiring reports of substantiated complaints to the Legislative Oversight Commission on Education Accountability annually; and allowing the state board to promulgate rules.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 368**—A Bill to amend and reenact §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to providing a rebate for the registration of hybrid vehicles.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 369**—A Bill to amend and reenact §11-16-6a of the Code of West Virginia, 1931, as amended, relating to brewer and resident brewer licenses; providing that a licensed brewer or resident brewer may not produce more than 50,000 barrels per calendar year at a brewer or resident brewer's principle place of business and manufacture; clarifying that a licensed brewer or resident brewer may have multiple locations; and providing that West Virginia licensed brewers and resident brewers may enter into contract brewing services agreements with another licensed brewer or resident brewer in good standing in its domicile state for purposes of producing nonintoxicating beer or nonintoxicating craft beer.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 370**—A Bill to amend and reenact §6C-2-5 and §6C-2-8 of the Code of West Virginia, 1931, as amended, all relating to updating Public Employees Grievance Board procedure to reflect that Level 3 decisions be appealed to the Intermediate Court of Appeals.

Referred to the Committee on the Judiciary.

**By Senator Nelson:**

**Senate Bill 371**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-80; and to amend said code by adding thereto a new section, designated §11-24-26, all relating to exempting capital gains from personal and corporate taxation.

Referred to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 372**—A Bill to amend and reenact §21-5D-2 and §21-5D-4 of the Code of West Virginia, 1931, as amended, all

relating to paid or unpaid family leave time; granting a total of 12 weeks under the Parental Leave Act based on at least 12 consecutive months of performing services for remuneration within this state for any department, division, board, bureau, agency, commission, or other unit of state government, or any county board of education; and specifying conditions for which the leave time is granted.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 373**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-98; and to amend said code by adding thereto a new section, designated §11-24-45, all relating to providing a tax credit against the state corporate net income tax and the state personal income tax for expenditures related to the operation of existing employer-provided or sponsored child-care facilities; defining terms; providing for rulemaking; setting forth the amount of the credit; providing for limitation of the credit; providing for transferrable credit available to non-profit corporations; and providing for a recapture process.

Referred to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 374**—A Bill to amend and reenact §9-5-12a of the Code of West Virginia, 1931, as amended, relating to increasing the coverage limit; requiring the Department of Health and Human Resources to require its managed care organizations to provide education to Medicaid enrollees regarding the availability of coverage; and requiring reporting.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Azinger:**

**Senate Bill 375**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-

1A-1, §35-1A-2, §35-1A-3, §35-1A-4, and §35-1A-5, all relating to creating the Health Care Sharing Ministries Freedom to Share Act; exempting a health care sharing ministry from the state's insurance laws; providing definitions; providing that membership in a health care sharing ministry satisfies a requirement to have health care insurance by a public institution of higher education; and providing that a health care sharing ministry is not a third-party payer for any purposes.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senator Azinger:**

**Senate Bill 376**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-50, all relating to requiring law-enforcement agencies and child protective services to report certain allegations regarding school employees to county school personnel.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

**By Senator Takubo:**

**Senate Bill 377**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-2-10, relating to permitting allopathic and osteopathic physicians to be exempt from specified traffic laws in emergency situations when responding to an emergency call; providing that physicians must still exercise due care for safety; and providing for rulemaking.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Takubo:**

**Senate Bill 378**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9A-11, relating to prohibiting smoking of tobacco products in a motor vehicle while an individual 16 years of age or younger is

present; defining terms; making the violation a secondary misdemeanor offense; and providing a penalty.

Referred to the Committee on Health and Human Resources.

**By Senator Karnes:**

**Senate Bill 379**—A Bill to amend and reenact §15-9B-1a and §15-9B-4 of the Code of West Virginia, 1931, as amended, all relating to the Sexual Assault Examination Network; defining "abortion", "chemical abortion", and "licensed medical professional"; requiring the Sexual Assault Forensic Examination Commission to promulgate rules establishing protocols for storage of DNA samples by any licensed medical professional performing a surgical abortion as a result of rape or incest; notifying persons who are rape or incest victims who receive surgical or chemical abortions of the collection; and providing requirements for preserving the chain of evidence in criminal prosecutions, including evidence from rape kits.

Referred to the Committee on Health and Human Resources.

**By Senator Karnes:**

**Senate Bill 380**—A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8, and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to mandatory state inspections of motor vehicles.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Taylor:**

**Senate Bill 381**—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to providing that the West Virginia Secondary School Activities Commission promulgate legislative rules.

Referred to the Committee on Education.

**By Senator Caputo:**

**Senate Bill 382**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11G-1, relating to requiring exhibitors of motion pictures who operate two or more theaters in more than one location in this state to provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning; and requiring, when requested, audio description be provided for any motion picture that is produced and offered with audio description.

Referred to the Committee on Economic Development; and then to the Committee on the Judiciary.

**By Senator Caputo:**

**Senate Bill 383**—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16B-6e of said code; to amend and reenact §33-16-3v of said code; to amend and reenact §33-24-7k of said code; and to amend and reenact §33-25A-8j of said code, all relating to increasing the required insurance coverage for autism spectrum disorders.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Caputo:**

**Senate Bill 384**—A Bill to amend and reenact §3-3-1 and §3-3-2 of the Code of West Virginia, 1931, as amended, all relating to absentee voting; removing specifications for permission to vote by absentee ballot; and allowing all voters to request and vote by absentee ballot.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Caputo:**

**Senate Bill 385**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9A-1-10a, relating to paying a monthly allotment to certain veterans.

Referred to the Committee on Military; and then to the Committee on Finance.

**By Senator Caputo:**

**Senate Bill 386**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16A-17-1, §16A-17-2, §16A-17-3, §16A-17-4, §16A-17-5, §16A-17-6, §16A-17-7, §16A-17-8, and §16A-17-9, all relating to legalizing cannabis production, sales, and adult consumption; providing legislative purpose and findings; defining terms; legalizing the possession of one ounce or less of cannabis and cannabis products by adults; authorizing production, sales, transfer, and transport of cannabis upon passing county referendums; providing procedure for county commissions to authorize county referendum on legislation of production and sales; establishing mechanisms for permitting and licensing production and sales facilities by the Bureau for Public Health and localities; authorizing the Bureau for Public Health to promulgate rules, establish licensing, and administrative penalties relating to the production, sales, transfer, and transport of cannabis in authorizing counties; authorizing the Department of Revenue to promulgate rules and administer tax collections; authorizing localities to regulate manufacturing and sales locations; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund; authorizing county local sales tax to be collected and used for the benefit of county and municipal governments; providing current laws relating to employment, vehicle operation, underage use, or private property use preserved; and establishing that the operation of this article is not intended to alter the West Virginia Medical Cannabis Act.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Caputo:**

**Senate Bill 387**—A Bill to repeal §21-5G-1, §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6, and §21-5G-7 of the Code of West Virginia, 1931, as amended, relating to worker affiliation with a labor organization.

Referred to the Committee on the Workforce; and then to the Committee on the Judiciary.

**By Senator Clements:**

**Senate Bill 388**—A Bill to amend and reenact §30-29-8 of the Code of West Virginia, 1931, as amended, relating to responsibility for reimbursement of training costs of law-enforcement employees who leave original jurisdiction of employment for employment in another law-enforcement agency in this state.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 389**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-15-25; and to amend said code by adding thereto a new section, designated §61-3-45b, all relating to nonferrous metal sales and transportation to a secondary recycler; providing for definitions; providing for permits for secondary metals recyclers to purchase nonferrous metals; providing for permit requirements for fixed and nonfixed sites; providing that the Superintendent of the West Virginia State Police shall develop applications and permits; providing for a permit fee for secondary metals recyclers; providing that a secondary metals recycler permit to purchase nonferrous metals is valid for two years; providing for a permit for persons or entities to sell or transport nonferrous metals over the highways; providing a fee for a replacement permit for a lost or destroyed original permit; providing for record retention criteria; providing that a seller or transportation permit is valid for two years; providing for denial, revocation, or suspension of a permit for violations of law and for penalties; providing that only secondary metals recyclers can purchase nonferrous metals from persons or entities with a valid permit; providing that secondary metals recyclers shall retain records of all purchases of nonferrous metals; providing for record retention of at least one year; providing for a limit for secondary metals recyclers purchasing nonferrous metals through cash transactions; providing for signage to be displayed; providing for penalties when a secondary metals recycler violates certain provisions; providing for limitations on

selling nonferrous metals; providing for penalties for sellers violating certain provisions relating to selling nonferrous metals; providing for revocation of permits for secondary metals recyclers and sellers violating certain provisions of purchasing or selling nonferrous metals; providing for holds placed on stolen nonferrous metals; providing for law enforcement to issue written notice to a secondary metals recycler relating to stolen nonferrous metals; providing for a 15 calendar day hold for the secondary metals recycler to retain the nonferrous metals as provided in the written notice from law enforcement; providing that law enforcement provide written notice to the secondary metals recycler relating to allegedly stolen nonferrous metals; providing for 30 calendar days for an extended hold of allegedly stolen nonferrous metals by the secondary metals recycler; providing for automatic release of any holds if no order has been received to retain the nonferrous metals by a court; providing for limitations on transporting nonferrous metals on the highways of this state without a valid permit and penalties for violating transportation requirements; providing for revocation of a transportation permit; providing for exemptions from required permits to obtain, transport, or sell nonferrous metals to a secondary metals recycler; providing for preemption of other laws, rules, or regulations by any county or municipality; providing for additional criminal offenses for illegally obtaining nonferrous metals; providing for penalties to property damage when the damage is below \$5,000; providing for penalties for property damage when the damage is greater than or equal to \$5,000; providing for penalties when another person receives a great bodily injury during the course of illegally obtaining nonferrous metals; providing for penalties when illegally obtaining nonferrous metals results in the death of a person; providing for penalties for disruption of communication or electrical services to more than 10 people; providing for revocation of a permit upon conviction for illegally obtaining nonferrous metals; providing immunity from civil liability to the owner of real or personal property for any injury sustained by a person attempting to or obtaining nonferrous metals illegally, or for any injury caused by dangerous conditions to a person attempting to or obtaining nonferrous metals illegally; providing that no duty of care is expected of an owner of real or

personal property to persons attempting to or obtaining nonferrous metals illegally; and providing for rule-making authority.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

**By Senator Caputo:**

**Senate Bill 390**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13NN-1, §11-13NN-2, §11-13NN-3, §11-13NN-4, §11-13NN-5, §11-13NN-6, and, §11-13NN-7, all relating generally to creating a personal income tax credit for nurses in West Virginia; providing for definitions; providing for a tax credit for nurses for personal income tax in a taxable year; providing for a tax credit limitation of \$5,000 for a single person; providing for a tax credit limitation of \$10,000 of persons filing tax returns jointly under certain conditions; providing that the tax credit for nurses must be used in the taxable year and cannot be carried forward; providing for documentation of eligibility for the tax credit; providing for required contents of the documentation evidencing eligibility for the tax credit; providing that the form must be sent to the Tax Commissioner to receive the tax credit; providing for rule-making authority; providing for reporting at certain time; and providing for an effective date.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 391**—A Bill to repeal §15-1B-26 of the Code of West Virginia, 1931, as amended, relating to the requirement that firefighters and security guards be members of the National Guard.

Referred to the Committee on Military.

**By Senators Trump, Weld, and Woelfel:**

**Senate Bill 392**—A Bill to amend and reenact §61-8B-11 of the Code of West Virginia, 1931, as amended, relating to admissibility of evidence regarding the alleged victim's prior sexual history.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 393**—A Bill to amend and reenact §61-7-4 of the Code of West Virginia 1931, as amended, relating to clarity regarding placing limitations on a concealed carry permit; excluding an individual from being charged with a crime in certain circumstances; and adding a severability clause.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 394**—A Bill to amend and reenact §19-12A-5 of the Code of West Virginia, 1931, as amended, relating to precluding the Department of Agriculture from cancellation of certain leases; removing language allowing cancellation of any lease which the Department of Agriculture is a party, and the consideration is less than \$5 an acre; and making technical corrections.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Tarr:**

**Senate Bill 395**—A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, relating to valuation of industrial property and natural resources by Tax Commissioner; making technical corrections; and removing a sunset provision.

Referred to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 396**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-34, relating to requiring the Department of Health and Human Resources to allow reimbursement for remote ultrasound procedures and remote fetal nonstress tests utilizing established CPT codes for these procedures when the patient is in a residence or other off-site location from the patient's provider and the same standard of care is met.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senators Hamilton, Caputo, Chapman, Deeds, Martin, Maynard, Plymale, Rucker, Stover, Taylor, Woelfel, and Woodrum:**

**Senate Bill 397**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-1C-5b, relating to exempting high tunnels and greenhouses, whether heated or unheated, from personal property taxation; and providing an enacting date.

Referred to the Committee on Agriculture and Natural Resources; and then to the Committee on Finance.

**By Senators Hamilton, Chapman, Deeds, Maynard, Plymale, Rucker, Stover, Taylor, Woelfel, and Woodrum:**

**Senate Bill 398**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-18-20, relating to creating the crimes of sexual extortion and aggravated sexual extortion; defining terms; establishing elements of the crimes of sexual extortion and aggravated sexual extortion; and establishing criminal penalties.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 399**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-10c, relating to making it unlawful to harm, attempt to harm, or kill a police dog that is under the control of a law-enforcement or corrections officer who is acting in his or her official capacity; defining the term "police dog"; and setting forth penalties.

Referred to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Bill 400**—A Bill to amend and reenact §24-2-11 of the Code of West Virginia, 1931, as amended, relating to creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects.

Referred to the Committee on Economic Development.

**By Senator Trump:**

**Senate Bill 401**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33d, relating to establishing a "pop-up" window that directs users to optional firearms safety classes offered by the National Rifle Association and the United States Concealed Carry Association.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Trump:**

**Senate Bill 402**—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to codifying the United States Concealed Carry Association to provide concealed carry classes in West Virginia.

Referred to the Committee on Government Organization.

**By Senators Deeds, Caputo, Hunt, Rucker, Stover, Takubo, and Taylor:**

**Senate Bill 403**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-17-1, §61-17-2, §61-17-3, §61-17-4, and §61-17-5, all relating to gift card fraud; legislative findings; definitions; required notices; employee training; and misdemeanor penalties.

Referred to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 404**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, §18-34-3, and §18-34-4, all relating generally to social media education for grades six through 12; limiting access by students to only age-appropriate material; prohibiting student access to data and information hacking; preventing access to students' personal information through school system databases, websites, web application, or software; and granting rule-making authority to the State Board of Education.

Referred to the Committee on Education.

**By Senator Chapman:**

**Senate Bill 405**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15A-4B-1, relating to the creation of the Jobs for Reentry Program.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senator Chapman:**

**Senate Bill 406**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-7A-1, §16-7A-2, §16-7A-3, and §16-7A-4, all relating to food allergen awareness; requiring the Department of Health and Human Resources to provide posters that contain information about food allergens to restaurants, which the restaurants must post; requiring food service employees to understand and be able to explain the allergens potentially in each food item sold by that business; granting rule-making authority; and providing an enacting date.

Referred to the Committee on Health and Human Resources.

**By Senator Chapman:**

**Senate Bill 407**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-5A-1, §30-5A-2, and §30-5A-3, all relating to creating the Pharmacist Prescribing Authority Act; authorizing pharmacists to prescribe low-risk medications to patients; and listing the limitations of the prescriptions that fall under that authority.

Referred to the Committee on Health and Human Resources; and then to the Committee on Government Organization.

**By Senator Chapman:**

**Senate Bill 408**—A Bill to amend and reenact §18-7A-38 of the Code of West Virginia, 1931, as amended, relating to permitting retirees under the State Teachers Retirement System to work as substitute teachers for up to 180 days per academic year

without loss of the payment of monthly retirement benefits; adding a legislative finding; changing the allowed period of employment; providing that no additional retirement system contributions will be made by the employer from such employment; and allowing the retirant to choose to contribute to his or her retirement from this employment should the retirant choose to do so.

Referred to the Committee on Pensions.

**By Senator Chapman:**

**Senate Bill 409**—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring all public schools to instruct students on foreign languages.

Referred to the Committee on Education.

**By Senator Chapman:**

**Senate Bill 410**—A Bill to amend and reenact §16-1-19 of the Code of West Virginia, 1931, as amended, relating to requiring all state buildings to have a nursing room so that a mother can either nurse her baby or pump; requiring that these nursing rooms be separate from a bathroom; and permitting that these rooms can be adjacent to bathrooms.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 411**—A Bill to amend and reenact §30-1-23 of the Code of West Virginia, 1931, as amended, relating to the waiver of initial licensing fees for certain individuals.

Referred to the Committee on Government Organization.

**By Senator Takubo:**

**Senate Bill 412**—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to medical exemptions to state vaccination laws; requiring physician submitting certification for medical exemption be licensed in West Virginia; requiring physician submitting medical exemption to present facts of case to the State Immunization Officer; creating deadline for State Immunization Officer to render initial and

remand decision; defining contents of the case file; stating if case remanded for additional medical information and no additional medical information is submitted on remand, State Immunization Officer's decision will be upheld; creating Immunization Appeal Oversight Board; setting forth board composition; setting forth time frame for State Immunization Officer to transmit file; setting forth purpose of the board; setting forth duties of the board; setting forth process and rate of payment for the board; providing the State Health Officer will review a random sample of the Immunization Officer's medical exemption approvals; setting forth document handling standards for personally identifiable information; providing for immunity for the board; setting forth factors that may be considered by the board in rendering its decision; providing a time frame for the board to render its decision; providing that a child may remain in school and day care pending review of the board and providing a transition time if the State Immunization Officer's decision is upheld; providing board member is not subject to subpoena; providing the board's documents shall be made available to the court in redacted form upon the court's request; providing the board's decision may be appealed; providing penalties to the physician for unethical conduct including five or more overturned exemptions; and providing penalties for State Immunization Officer found to have five or more overturned decisions in a two year period.

Referred to the Committee on Health and Human Resources.

**By Senator Woodrum:**

**Senate Bill 413**—A Bill to amend and reenact §5B-1A-3 of the Code of West Virginia, 1931, as amended, relating to clarifying the department responsible for the administration of the Rails to Trails program.

Referred to the Committee on Economic Development.

**By Senator Trump:**

**Senate Bill 414**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12o, relating to personal state income taxes; and authorizing a decreasing modification of a taxpayer's adjusted

gross income for medical expenses not reimbursed under accident and sickness insurance coverage.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 415**—A Bill to amend and reenact §48-19-105 of the Code of West Virginia, 1931, as amended, relating to increasing minimum salaries for Bureau for Child Support Enforcement attorneys.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 416**—A Bill to amend and reenact §62-12-12 of the Code of West Virginia, 1931, as amended, relating generally to the board of parole; increasing the number of members on the board from nine to 13; establishing qualifications for members appointed after July 1, 2024; removing the party affiliation limitation; and requesting the Governor to affirmatively recruit candidates with mental health and social work experience.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 417**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, §21-5J-4, §21-5J-5, §21-5J-6, §21-5J-7, §21-5J-8, §21-5J-9, and §21-5J-10, all relating to creating a paid parental leave pilot program; providing findings and purpose; definitions; paid parental leave and requirements for claiming benefits; requiring employer to continue group health insurance coverage for employee; employment benefits and seniority position upon return from leave; benefits not to accrue during period of leave; employers required to respond to survey to Department of Labor; requiring department to report to Joint

Committee on Government Organization; authorizing emergency rule-making authority; and providing December 31, 2028, sunset.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Oliverio:**

**Senate Bill 418**—A Bill to amend and reenact §32-4-406 and §32-4-407a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto 12 new sections, designated §32-7-701, §32-7-702, §32-7-703, §32-7-704, §32-7-705, §32-7-706, §32-7-707, §32-7-708, §32-7-709, §32-7-710, §32-7-711, and §32-7-712, all relating to authorizing victim restitution and creating a restitution assistance fund for victims of securities violations; providing a short title; providing definitions; creating the Securities Restitution Operating Fund; providing for the manner and procedures for applications for restitution assistance; providing the manner and procedures for the payment of restitution assistance awards; detailing the situations in which restitution is prohibited; providing for subrogation; providing for a lien on recovery and refunds of excessive restitution amounts; providing for the suspension of claims; exempting the restitution awards from attachment or intercept; authorizing the Auditor to promulgate rules regarding the restitution program; providing an effective date; permitting the Auditor to transfer three percent of securities fees collected to the Securities Restitution Operating Fund; and authorizing the awarding of restitution in an administrative assessment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Oliverio:**

**Senate Bill 419**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-31-1, §17-31-2, §17-31-3, §17-31-4, and §17-31-5, all relating to requiring the Commissioner of the Division of Highways to develop a formula for allocating road funds among districts, for the benefit of the counties; making legislative findings; requiring the commissioner to solicit and consider public comments; requiring

the commissioner to include certain factors in the formula; and requiring the commissioner to submit the formula to the Legislature for approval as a legislative rule.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 420**—A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years.

Referred to the Committee on Government Organization.

**By Senators Deeds, Grady, Plymale, Takubo, and Woodrum:**

**Senate Bill 421**—A Bill to the amend and reenact §4-10-8 of the Code of West Virginia, 1931, to amend and reenact §5-1E-1 and §5-1E-2 of said code; to repeal §5-5-4 of said code; to amend and reenact §5-6-4 of said code; to amend and reenact §5-10C-3 of said code; to amended and reenact of §5-14-3 and §5-14-5 of said code; to amend and reenact §5-16-2 and §5-16-18 of said code; to amend and reenact §5-16B-1, §5-16B-2, §5-16B-4 and §5-16B-10 of said code; to amend and reenact §5-26-1 of said code; to amend and reenact §5-29-2 of said code; to amend and reenact §5A-1A-2 of said code; to repeal §5A-2-34 of said code; to amend and reenact §5A-3-1a and §5A-3-3b of said code; to amend and reenact §5B-2-15, to amend and reenact §5F-1-2; to amend and reenact §6-7-2a of said code; to amend and reenact §7-1-3a of said code; to amend and reenact §7-4-4 of said code; to amend and reenact §7-10-2, to amend and reenact §8-19-21 of said code; to amend and reenact §8A-1-2 of said code; to amend and reenact §9-1-2 of said code; to amend and reenact §9-2-6a, §9-2-10 and §9-2-13 of said code; to repeal §9-2-9 of said code; to amend and reenact §9-3-4, §9-3-5 §9-3-6 of said code; to amend and reenact §9-4A-2, §9-4A-2a, §9-4A-2b and §9-4A-4 of said code; to amend and reenact §9-4B-1 and §9-4B-4 of said code; to amend and reenact §9-4C-1, §9-4C-7 and §9-4C-8 of said code; to amend and reenact §9-4D-2 and §9-4D-9 of said code; to amend and reenact §9-5-5, §9-5-8b, §9-5-9,

§9-5-11, §9-5-11a, §9-5-11b, §9-5-11c, §9-5-12a, §9-5-15, §9-5-16a, §9-5-19, §9-5-26, §9-5-27, §9-5-29 and §9-5-30 of said code; to repeal §9-5-25 of said code; to amend and reenact §9-6-1, §9-6-2, §9-6-9, §9-6-11 and §9-6-16 of said code; to amend and reenact §9-7-1, §9-7-2, §9-7-3, §9-7-4, §9-7-5, §9-7-6, §9-7-6a and §9-7-8 of said code; to amend and reenact §9-8-1 of said code; to amend and reenact §9-9-3, §9-9-16 and §9-9-21 of said code; to amend and reenact §9-10-1, §9-10-2 and §9-10-3 of said code; to repeal §9-10-6 of said code; to amend and reenact §11-10-5u of said code; to amend and reenact §11-13I-3 of said code; to amend and reenact §11-27-3 and §11-27-30 of said code; to amend and reenact §11B-2-15 of said code; to amend and reenact §12-3-10e of said code; to amend and reenact §12-3A-4 and §12-3A-5 of said code; to amend and reenact §15-1E-76b of said code; to amend and reenact §15-1I-2 of said code; to amend and reenact §15-2-55 of said code; to amend and reenact §15-2C-1, §15-2C-2, §15-2C-4 and §15-2C-7 of said code; to amend and reenact §15-3D-3 of said code; to amend and reenact §15-12-2 of said code; to amend and reenact §15-13-2 and §15-13-5 of said code; to amend and reenact §15-14-5, §15-14-7 and §15-14-9 of said code; to amend and reenact §15A-4-11 and §15A-4-12 of said code; to amend and reenact §16-1-2 and §16-1-20 of said code; to amend and reenact §16-1A-1, §16-1A-2, §16-1A-3 and §16-1A-4 of said code; to amend and reenact §16-1C-1 and §16-1C-4 of said code; to amend and reenact §16-2-2 of said code; to amend and reenact §16-2B-1, §16-2B-2 and §16-2B-3 of said code; to amend and reenact §16-2D-2 and §16-2D-11 of said code; to amend and reenact §16-2H-2 of said code; to amend and reenact §16-3C-1 of said code; to amend and reenact §16-3D-2 of said code; to amend and reenact §16-4-1 of said code; to amend and reenact §16-4C-3, §16-4C-4 and §16-4C-24 of said code; to amend and reenact §16-4D-2 of said code; to amend and reenact §16-4E-2, §16-4E-4 and §16-4E-6 of said code; to amend and reenact §16-4F-1 and §16-4F-5 of said code; to amend and reenact §16-5-1 and §16-5-3 of said code; to amend and reenact §16-5A-5 of said code; to amend and reenact §16-5K-2, §16-5K-3, §16-5K-4 and §16-5K-6 of said code; to amend and reenact §16-5L-5, §16-5L-10, §16-5L-14 and §16-5L-15 of said code; to amend and reenact §16-5P-7 of said code; to amend and reenact §16-5Q-2 and §16-5Q-4 of said code; to amend and reenact §16-5R-3 and

§16-5R-4 of said code; to amend and reenact §16-5S-5 of said code; to amend and reenact §16-5T-2 and §16-5T-5 of said code; to amend and reenact §16-5CC-1 and §16-5CC-2 of said code; to amend and reenact §16-7-3 and §16-7-8 of said code; to amend and reenact §16-8-2 of said code; to amend and reenact §16-9A-7 of said code; to amend and reenact §16-22A-3 and §16-22A-4 of said code; to amend and reenact §16-22B-2 of said code; to amend and reenact §16-29B-2, §16-29B-3, §16-29B-5, §16-29B-12 and §16-29B-25 of said code; to amend and reenact §16-29D-3, §16-29D-7 and §16-29D-8 of said code; to amend and reenact §16-29G-1a, and §16-29G-2 of said code; to amend and reenact §16-30-8 and §16-30-25 of said code; to amend and reenact §16-30C-13 of said code; to amend and reenact §16-32-2 of said code; to amend and reenact §16-33-2 of said code; to amend and reenact §16-34-2, §16-34-3, §16-34-5, §16-34-6, §16-34-9 and §16-34-13 of said code; to amend and reenact §16-37-2 and §16-37-4 of said code; to amend and reenact §16-38-3 of said code; to amend and reenact §16-42-1 of said code; to amend and reenact §16-44-2 of said code; to amend and reenact §16-48-5 and §16-48-6 of said code; to amend and reenact §16-50-1, to amend and reenact §16-53-1, §16-53-2 and §16-53-3 of said code; to amend and reenact §16-57-3 and §16-57-4 of said code; to amend and reenact §16-59-1 of said code; to amend and reenact §16A-2-1 of said code; to amend and reenact §16A-4-3 of said code; to amend and reenact §16A-15-6 of said code; to amend and reenact §17-2C-4 of said code; to amend and reenact §17-4A-3 of said code; to amend and reenact §17-28-10 of said code; to amend and reenact §17C-15-26 of said code; to amend and reenact §18-2-5b, §18-2-9 and §18-2-13h of said code; to amend and reenact §18-2K-2 of said code; to amend and reenact §18-5-15c of said code; to amend and reenact §18-5-42 and §18-5-44 of said code; to amend and reenact §18-5D-4 of said code; to amend and reenact §18-7B-2 of said code; to amend and reenact §18-10K-1 of said code; to amend and reenact §18-10M-6 of said code; to amend and reenact §18-20-11 of said code; to amend and reenact §18-21-1, §18-21-2, §18-21-3 and §18-21-4 of said code; to amend and reenact §18A-2-8 of said code; to amend and reenact §18A-4-17 of said code; to amend and reenact §18B-10-7b of said code; to amend and reenact §18B-16-3 of said code; to amend and reenact §18C-3-1 of said code; to amend and reenact §19-1-7 of

said code; to amend and reenact §19-11E-1 and §19-11E-17 of said code; to amend and reenact §19-12A-1a, §19-12A-2, §19-12A-5 and §19-12A-6 of said code; to amend and reenact §19-29-1 and §19-29-3 of said code; to amend and reenact §19-30-2 of said code; to amend and reenact §19-34-5 of said code; to amend and reenact §20-5J-2, §20-5J-3 and §20-5J-5 of said code; to amend and reenact §20-5K-2, §20-5K-3 of said code; to amend and reenact §21A-6-16 and §21A-6-17 of said code; to amend and reenact §22-5-9 of said code; to amend and reenact §22-15A-10 of said code; to amend and reenact §22-18-6 and §22-18-7 of said code; to amend and reenact §22-30-21 of said code; to amend and reenact §22C-3-4 of said code; to amend and reenact §24-2A-5 of said code; to amend and reenact §24-2C-4 of said code; to amend and reenact §27-1-7 of said code; to amend and reenact §27-1A-4, §27-1A-6 and §27-1A-12 of said code; to amend and reenact §27-2-1 of said code; to amend and reenact §27-2A-1 of said code; to amend and reenact §27-5-1, §27-5-1b, §27-5-2, §27-5-4, §27-5-9 and §27-5-11 of said code; to amend and reenact §27-6A-1 and §27-6A-12 of said code; to amend and reenact §29-12-5 of said code; to amend and reenact §29-15-1, §29-15-5 and §29-15-6 of said code; to amend and reenact §29-20-1, §29-20-2, §29-20-3, §29-20-4 and §29-20-6 of said code; to amend and reenact §29-22A-19 of said code; to amend and reenact §29-30-8, §29-30-9 and §29-30-11 of said code; to amend and reenact §29-31-2 of said code; to amend and reenact §29-34-3 of said code; to amend and reenact §29-35-3 of said code; to amend and reenact §30-3-7 of said code; to amend and reenact §30-4-3 of said code; to amend and reenact §30-7B-4 of said code; to amend and reenact §30-30-16 and §30-30-30 of said code; to amend and reenact §31-15A-7 of said code; to amend and reenact §31A-2A-4 of said code; to amend and reenact §33-15B-3 of said code; to amend and reenact §33-25A-7b, §33-25A-9, §33-25A-17, §33-25A-18 §33-25A-27 and §33-25A-36 of said code; to amend and reenact §33-25B-6 of said code; to amend and reenact §33-25D-18, §33-25D-20 and §33-25D-29 of said code; to amend and reenact §33-46-18 of said code; to amend and reenact §33-54-2 of said code; to amend and reenact §33-55-1 of said code; to amend and reenact §33-56-1 of said code; to amend and reenact §33-59-1 of said code; to amend and reenact §44-16-3 of said code; to amend and reenact §44A-1-8, §44A-1-9

and §44A-1-15 of said code; to amend and reenact §44A-2-2 of said code; to amend and reenact §44A-3-11 of said code; to amend and reenact §46A-6L-102 of said code; to amend and reenact §48-1-104, §48-1-206 and §48-1-236 of said code; to amend and reenact §48-2-701 and §48-2-702 of said code; to amend and reenact §48-9-209 of said code; to amend and reenact §48-11-105 of said code; to amend and reenact §48-14-102, §48-14-407, §48-14-413 and §48-14-414 of said code; to amend and reenact §48-17-101 and §48-17-102 of said code; to amend and reenact §48-18-101, §48-18-118 and §48-18-126 of said code; to amend and reenact §48-19-103 of said code; to amend and reenact §48-22-104 of said code; to amend and reenact §48-23-301 of said code; to amend and reenact §48-26-206, §48-26-301, §48-26-401, §48-26-402, §48-26-501, §48-26-502 and §48-26-801 of said code; to amend and reenact §48-27-206 of said code; to amend and reenact §49-1-104, §49-1-106, §49-1-202, §49-1-206 and §49-1-208 of said code; to amend and reenact §49-2-106, §49-2-110a, §49-2-111a, §49-2-125, §49-2-301, §49-2-302, §49-2-303, §49-2-401, §49-2-502, §49-2-503, §49-2-504, §49-2-604, §49-2-605, §49-2-701, §49-2-708, §49-2-802, §49-2-803, §49-2-804, §49-2-813, §49-2-814, §49-2-901, §49-2-903, §49-2-906, §49-2-913, §49-2-1001, §49-2-1002, §49-2-1003, §49-2-1004, §49-2-1005 and §49-2-1006 of said code; to amend and reenact §49-4-104, §49-4-108, §49-4-112, §49-4-114, §49-4-202, §49-4-203, §49-4-401, §49-4-402, §49-4-403, §49-4-408, §49-4-501, §49-4-704, §49-4-705, §49-4-706, §49-4-711, §49-4-726, §49-4-801 and §49-4-803 of said code; to amend and reenact §49-5-101 and §49-5-106 of said code; to amend and reenact §49-6-103, §49-6-105, §49-6-110, §49-6-113 and §49-6-116 of said code; to amend and reenact §49-7-102, §49-7-201, §49-7-202 and §49-7-204 of said code; to amend and reenact §49-8-1 of said code; to amend and reenact §51-2A-21 of said code; to amend and reenact §53-8-17 of said code; to amend and reenact §55-7B-9c of said code; to amend and reenact §55-19-3 of said code; to amend and reenact §60A-9-5 and §60A-9-8 of said code; to amend and reenact §60A-11-1, §60A-11-2 and §60A-11-3 of said code; to amend and reenact §61-2-14a, §61-2-14h and §61-2-29b of said code; to amend and reenact §61-7A-3 and §61-7A-4 of said code; to amend and reenact §61-8D-3 and §61-8D-4 of said code; to amend and reenact §61-11-26a of said

code; to amend and reenact §61-11A-6 of said code; to amend and reenact §61-12-12 of said code; to amend and reenact §61-14-7 of said code; to amend and reenact §62-1D-2 of said code; to amend and reenact §62-12-2 of said code; to amend and reenact §62-15B-1; all relating to renaming the Department of Health and Human Resources.

Referred to the Committee on Health and Human Resources.

**By Senator Deeds:**

**Senate Bill 422**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-3-14, relating to providing reports on mental or physical disabilities, or disorders, to the Division of Motor Vehicles to determine an individual's medical competency to retain their driver's license; and providing that this bill shall be known as "McKayla, Miranda, and Philip's Law".

Referred to the Committee on the Judiciary.

**By Senator Roberts:**

**Senate Bill 423**—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-28-2 and §18-28-6 of said code, all relating to allowing students in private schools to be immunized on a voluntary basis.

Referred to the Committee on Health and Human Resources.

**By Senator Deeds:**

**Senate Bill 424**—A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to increasing the retirement benefit multiplier of the Deputy Sheriff Retirement System Act from two and one-half percent to three percent of the member's final average salary multiplied by the member's years of credited service.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 425**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-

3C-1, §20-3C-2, §20-3C-3, §20-3C-4, and §20-3C-5, all relating to creating the West Virginia Public Waterway Act; purpose and legislative findings; definition; public access bridge crossings; fencing; and implementation by the Department of Transportation, in cooperation with the Department of Natural Resources.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Woodrum:**

**Senate Bill 426**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-31-1, §17-31-2, §17-31-3, §17-31-4, §17-31-5, and §17-31-6, all relating to enacting the West Virginia Recreational Trails Development Act; providing definitions; requiring the Department of Transportation to prioritize design and construction of recreational trails in the state; assigning duties to the department for development, maintenance, and funding; establishing reporting requirements; and setting an effective date.

Referred to the Committee on Outdoor Recreation.

**By Senator Woodrum:**

**Senate Bill 427**—A Bill to repeal §19-1-4b of the Code of West Virginia, 1931, as amended, relating to the repeal of the authority of the Agriculture Commissioner to increase certain fees by rules or regulations.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Woodrum:**

**Senate Bill 428**—A Bill to amend and reenact §19-11B-12 of the Code of West Virginia, 1931, as amended, relating to establishing that appeals from administrative rulings are to be filed with the Intermediate Court of Appeals.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 429**—A Bill to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended, relating to farm use vehicle tag placement.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Woodrum:**

**Senate Bill 430**—A Bill to amend and reenact §46B-3-7 and §46B-3-9 of the Code of West Virginia, 1931, as amended, all relating to the regulation of the rental of consumer goods under rent-to-own agreements; disclosure requirements when consumer is in default; and limitations on charges and fees.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 431**—A Bill to amend and reenact §21-1B-1, §21-1B-2, §21-1B-3, §21-1B-4, §21-1B-5, §21-1B-6, §21-1B-7, and §21-1B-8 of the Code of West Virginia, 1931, as amended, all relating to the verification of the legal employment status of workers; modifying findings and policy; adding to definitions; clarifying that work authorization status is verified by the E-Verify system; modifying record-keeping requirements; providing for the suspension or revocation of license; creating penalties for the failure to comply; providing for defenses; and providing for enforcement by the Attorney General and Division of Labor.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 432**—A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to when funds accumulated by boards may be transferred to the General Revenue Fund of the State Treasury; establishing method of calculating excess amount in board's special fund; and limiting amount of money that may be transferred in a fiscal year.

Referred to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 433**—A Bill to amend and reenact §30-7-4 of the Code of West Virginia, 1931, as amended, relating to special revenue fund; removing prohibition against moneys in fund reverting to General Revenue Fund; and clarifying disposition of fines collected by board.

Referred to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 434**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-15, relating to crimes against the peace; prohibiting aggressive panhandling; definitions; misdemeanor offense with penalties; and authorizing law-enforcement officers to interview individuals who are engaged in street begging or panhandling to ascertain whether these individuals are victims of human trafficking and are forced into labor.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 435**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-26, relating to DNA collection; defining terms; providing for penalties; and providing for enforcement.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 436**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-5-15a, relating to the prohibition of certain additives in diesel fuel; defining terms; providing for penalties; and providing for enforcement.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Woodrum:**

**Senate Bill 437**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-12-1, §49-12-2, §49-12-3, §49-12-4, and §49-12-5, all relating to protecting the rights and welfare of children conceived as the result of sexual assault; protecting the survivors of sexual assault from repeated interactions with the perpetrators; providing definitions; providing for termination of parental rights for perpetrators whose abuse resulted in the conception of a child; requiring continued child support from the perpetrator unless waived by the survivor; providing authority to establish procedures; and providing services to the survivors and children affected by sexual assault.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 438**—A Bill to amend and reenact §5-30-2 of the Code of West Virginia, 1931, as amended, relating to requirements for rosters of individuals who have obtained professional, occupational, and trade licenses, registrations, and certificates made available to public; establishing exception for certain authorizing entities; and removing geographical information from rosters.

Referred to the Committee on Government Organization.

**By Senators Nelson, Oliverio, Azinger, Barrett, Clements, Grady, Hamilton, Hunt, Phillips, Plymale, and Queen:**

**Senate Bill 439**—A Bill to amend and reenact §16-5V-2, §16-5V-5, §16-5V-6, §16-5V-8, and §16-5V-14a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §16-5V-6c and §16-5V-6d, all relating to the Emergency Medical Services Retirement System; defining terms; updating terms to comply with federal laws; authorizing certain 911 personnel to be members of the Emergency Medical Services Retirement System under certain circumstances; requiring costs of the vote to participate be borne by participating employers in relative proportion to members employed; providing for transfer of assets pertaining to 911 personnel; requiring certain computations to be made by the Consolidated Public Retirement

Board; requiring administrative costs of the Consolidated Public Retirement Board for transfer of assets pertaining to 911 personnel be borne by participating employers in relative proportion to members employed; terminating liability of the Public Employees Retirement System; and providing for purchase of service time through payment.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 440**—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to establishing salaries for the Secretaries of the Department of Health, the Department of Human Services, and the Department of Health Facilities.

Referred to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 441**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17C-26-1, §17C-26-2, §17C-26-3, §17C-26-4, §17C-26-5, and §17C-26-6, all relating to the regulation of driving in the left lane on four-lane interstate highways; providing for purpose and intent; providing for definitions; creating the prohibition; providing for penalties; creating enforcement; and providing for an effective date.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

**By Senator Takubo:**

**Senate Bill 442**—A Bill to amend and reenact §27-5-2 of the Code of West Virginia, 1931, as amended, relating to removing liability for mental health professionals providing services in mental hygiene cases involving possible involuntary hospitalization.

Referred to the Committee on the Judiciary.

**By Senator Takubo:**

**Senate Bill 443**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-63-1, relating to requiring health benefit plan coverage; creating the Oral Health and Cancer Rights Act; requiring coverage for medically necessary dental procedures that result from cancer treatment; explaining scope of procedures covered as a result of certain cancer treatments; requiring use of specific billing identifier; and setting an effective date.

Referred to the Committee on Banking and Insurance.

Senators Karnes, Azinger, Barrett, Chapman, Clements, Deeds, Hamilton, Hunt, Jeffries, Martin, Oliverio, Queen, Roberts, Rucker, Smith, Stover, Stuart, and Swope offered the following resolution:

**Senate Concurrent Resolution 9**—Requesting the Division of Highways name bridge number 36-28-24.07(36A082), locally known as Mouth of Seneca Bridge, carrying WV 28 and WV 55 over Seneca Creek in Pendleton County, the "U. S. Merchant Marine Joseph Ward Teter Memorial Bridge".

Which, under the rules, lies over one day.

Senator Woodrum offered the following resolution:

**Senate Concurrent Resolution 10**—Urging the West Virginia congressional delegation to support legislation that would authorize county governments to sell Federal Emergency Management Agency property that has been placed in their custody by the federal government.

Which, under the rules, lies over one day.

Senators Grady, Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Weld, and Woelfel offered the following resolution:

**Senate Concurrent Resolution 11**—Requesting the Division of Highways name bridge number 44-119/00-011.79 (44A110), locally known as Big Lick Run Bridge, carrying US Route 119 over Big Lick Run in Roane County, the "U. S. Marine Corps PFC Noel Harper Fields Memorial Bridge".

Which, under the rules, lies over one day.

Senator Swope offered the following resolution:

**Senate Concurrent Resolution 12**—Requesting the Division of Highways name bridge 24-007/00-001.28 (24A381), (37.45980, -81.70401), locally known as Big Sandy Bridge, carrying CR 07 over Tug Fork in McDowell County, the "U.S. Army Private Raymond Lee Perkins Memorial Bridge".

Which, under the rules, lies over one day.

Senators Caputo, Hamilton, and Queen offered the following resolution:

**Senate Concurrent Resolution 13**—Requesting the Division of Highways name bridge 17-050/00-014.25 (17A195), (39.28950, -80.35136), locally known as Adamston Bridge, carrying APD 50 over West Fork River in Harrison County, the "U.S. Navy S1 Paul McCue Bridge".

Which, under the rules, lies over one day.

Senator Martin offered the following resolution:

**Senate Concurrent Resolution 14**—Requesting the Division of Highways name bridge 17-079/00-115.33 (NB-SB) (17A251, 17A252), also known as the Quiet Dell Overpass and beginning at 39.22594, -80.29692, located in Clarksburg, Harrison County, the "U.S. Army PFC William Gorman Memorial Bridge".

Which, under the rules, lies over one day.

Senator Blair (Mr. President) offered the following resolution:

**Senate Concurrent Resolution 15**—Requesting the Division of Highways name bridge number 02-51/00-004.58(02A180), locally known as Inwood Route 51 Overpass, carrying WV 51 overpass carrying J-81 in Berkeley County, the "Chief Edward (Eddie) Keesecker Memorial Bridge".

Which, under the rules, lies over one day.

Senators Blair (Mr. President), Rucker, Stuart, Maynard, Phillips, Taylor, Deeds, and Swope offered the following resolution:

**Senate Concurrent Resolution 16**—Urging the United States Congress to enact much-needed reforms to federal permitting policies to accelerate deployment of new energy infrastructure.

Which, under the rules, lies over one day.

Senator Takubo offered the following resolution:

**Senate Resolution 5**—Designating January 15, 2024, as Child Advocacy Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 8**, US Army Corporal Clemon Knapp Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 142**, Clarifying deadline to file annual report for companies authorized to do business in WV.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 142) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 143**, Creating WV Guardian Program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 143 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 143) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 144**, Requiring each county board to ensure that its meetings are open to public through in-person attendance and broadcast live on its website.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 144) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 146**, Creating adult education taskforce.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 146) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 147**, Adding definition of "ammunition" for purposes of obtaining state license to carry concealed deadly weapon.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 147) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 148**, Establishing auto-renewal program for wildlife licenses.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton,

Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 148) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 149**, Relating to municipalities required to be represented on county authority boards.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 149) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale,

Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 149) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 150**, Clarifying when magistrate vacancies shall be filled.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 150) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 151**, Clarifying terms and offense of human smuggling.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 151) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 153**, Making adoption records accessible for medical purposes.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Eng. Senate Bill 154**, Increasing penalties for drug possession and updating list of offenses.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 154 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt,

Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo—1.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 154) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 155**, Creating Violent Crime Prevention Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 155) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 156**, Requiring certain documents that contain wage records be considered confidential.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: Caputo, Stover, and Woelfel—3.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 156) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 157**, Requiring one-year residency within district or county to fill vacancy in Legislature.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 157) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 158**, Enhancing penalties for fleeing officer.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 158) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 159**, Prohibiting persons convicted of certain crimes against minors from holding positions on boards of education.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 159) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 160**, Updating language and increasing penalties for indecent exposure.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 160) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 161**, Creating emeritus physician license.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Eng. Senate Bill 162**, Establishing Summer Feeding for All Program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 162) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 163**, Establishing aggravated felony offense of reckless driving resulting in death.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 163) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 164**, Relating generally to trespassing.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Eng. Senate Bill 165**, Creating pilot program for recovery residences in Cabell County.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 165) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 166**, Updating contested elections procedures.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 166) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 168**, Granting municipal fire marshal authority to assist law-enforcement officer.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 168) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 169**, Allowing physician assistants to own practice.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 169) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 170**, Relating to compensable diseases of certain firefighters covered by workers' compensation.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 170) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 170) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 171**, Prohibiting county commissions from adopting authorization that exceeds state law regarding agriculture operations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 171 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope,

Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 171) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 172**, Revising requirements of local school improvement councils.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 172 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 172) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 173**, Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 173) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 175**, Updating offenses of extortion and attempted extortion.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 175) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 176**, Relating to permissible expenditures by Water Development Authority from Infrastructure Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 176) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 177**, Protecting consumers against automatic renewals without consent.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope,

Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 177) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 178**, Relating to dental health care service plans.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Azinger—1.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 178) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 179**, Requiring sheriff to serve child abuse and neglect petitions.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Karnes and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 179) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 2**, Authorizing DEP to promulgate rules.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Grady and Clements.

(Senator Azinger in the Chair.)

Remarks were made by Senators Blair (Mr. President) and Plymale.

(Senator Blair, Mr. President, in the Chair.)

Remarks were made by Senator Caputo.

Thereafter, at the request of Senator Takubo, unanimous consent being granted, the remarks by Senator Clements were ordered extended in the Journal as follows:

SENATOR CLEMENTS: Thank you, Mr. President.

I was very sorry that yesterday I was not able to be in the chamber when we honored the Senator from Pleasants County. So, I would like the indulgence of the committee just for me to add a few remarks to what I would have said if I would have been here yesterday.

I first ran in to the Senator from Pleasants—if I want to use that word . . . . Back in 1994, I was fortunate enough to be elected to the House of Delegates. And we had a situation that developed between the time of my election and the caucuses when the Senate [sic] Minority Leader passed away and we were going to have to elect a new Minority Leader. And the Senator from Pleasants told me when I talked to her, she said, "You're going to make the most important vote of your legislative career before the session even starts." And she was right.

And without her advice, I wouldn't have had the great things. As a freshman, I was able to sit on the House Finance Committee . . . something that normally didn't happen. But it was because of her advice to me that she did it, and she did it because she knew, she knew how the system worked, and she did it.

And so, to the Senator from Pleasants, many years later, thank you.

---

At the request of Senator Takubo, and by unanimous consent, the remarks by Senators Blair (Mr. President), Plymale, and Caputo were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Takubo, unanimous consent being granted, a leave of absence for the day was granted Senator Karnes.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bills on January 11, 2024:

**Senate Bill 209:** Senator Weld;

And,

**Senate Bill 221:** Senator Weld.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 11, 2024:

**Senate Bill 194:** Senator Taylor;

**Senate Bill 201:** Senator Chapman;

**Senate Bill 203:** Senator Woelfel;

**Senate Bill 209:** Senator Chapman;

**Senate Bill 211:** Senators Stuart, Grady, and Chapman;

**Senate Bill 212:** Senator Chapman;

**Senate Bill 214:** Senator Chapman;

**Senate Bill 218:** Senator Chapman;

**Senate Bill 220:** Senators Caputo and Grady;

**Senate Bill 221:** Senator Grady;

**Senate Bill 222:** Senators Stuart, Trump, Caputo, Grady, and Chapman;

**Senate Bill 228:** Senator Chapman;

**Senate Bill 230:** Senator Phillips;

**Senate Bill 231:** Senator Phillips;

**Senate Bill 232:** Senator Chapman;

**Senate Bill 235:** Senator Chapman;

**Senate Bill 238:** Senator Phillips;

**Senate Bill 245:** Senator Phillips;

**Senate Bill 252:** Senators Stuart, Roberts, and Phillips;

**Senate Bill 253:** Senator Grady;

**Senate Bill 254:** Senators Stuart and Phillips;

**Senate Bill 258:** Senator Phillips;

**Senate Bill 260:** Senator Phillips;

**Senate Bill 266:** Senators Caputo and Queen;

**Senate Bill 268:** Senator Woelfel;

**Senate Bill 269:** Senators Stuart, Trump, and Caputo;

**Senate Bill 279:** Senators Stuart and Grady;

**Senate Bill 280:** Senators Stuart, Taylor, Roberts, and Phillips;

**Senate Bill 281:** Senator Phillips;

**Senate Bill 282:** Senator Phillips;

**Senate Bill 285:** Senator Taylor;

**Senate Bill 289:** Senators Woelfel and Caputo;

**Senate Bill 292:** Senators Woelfel, Caputo, and Jeffries;

**Senate Bill 295:** Senator Stuart;

**Senate Bill 296:** Senator Stuart;

**Senate Bill 300:** Senators Woelfel, Stuart, and Jeffries;

**Senate Joint Resolution 4:** Senators Taylor and Woodrum;

**Senate Concurrent Resolution 7:** Senator Maynard;

And,

**Senate Concurrent Resolution 8:** Senator Jeffries.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 10:16 a.m., the Senate adjourned until Monday, January 15, 2024, at 11 a.m.

---

## MONDAY, JANUARY 15, 2024

The Senate met at 11:02 a.m.

(Senator Takubo in the Chair.)

Prayer was offered by the Honorable Amy N. Grady, a senator from the fourth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan W. Weld, a senator from the first district.

Pending the reading of the Journal of Friday, January 12, 2024,

At the request of Senator Caputo, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Accountancy, Board of (§30-1-12)

Acupuncture, Board of (§30-1-12)

Administration, Department of (State Building Commission Fund) (§5-6-1)

Architects, Board of (§30-1-12)

Attorney General, Office of the (§5-3-4)

Auditor's Office (Consolidated Budget Report) (§11-13A-5a)

Barbers and Cosmetologists, Board of (§30-1-12)

Chiropractic Examiners, Board of (§30-1-12)

Contractor Licensing Board (§30-1-12)

Counseling, Board of Examiners in (§30-1-12)

Dentistry, Board of (§30-1-12)

Environmental Protection, Department of (Groundwater Programs and Activities) (§22-12-6)

Environmental Protection, Department of (Oil and Gas Operating Permit and Processing Fund) (§22-6-29)

Forestry, Division of (Logging Sediment Control) (§19-1B-13)

Funeral Service Examiners, Board of (§30-1-12)

Geological and Economic Survey (§29-2-6)

Health and Human Resources, Department of (Children's Health Insurance Program) (§5-16B-3)

Health and Human Resources, Department of (James "Tiger" Morton Catastrophic Illness Commission) (§16-5Q-2)

Health and Human Resources, Department of (Office of Emergency Medical Services) (§16-4C-6b)

Health and Human Resources, Department of (Recovery Residence Task Force Recommendations) (§16-5T-2)

Health and Human Resources, Department of (Youth Services)  
(§49-2-1006)

Homeland Security, Department of (Community Corrections  
Act) (§62-11C-3)

Homeland Security, Department of (Justice Reinvestment  
Initiative) (§62-15-6a)

Homeland Security, Department of (Law-Enforcement  
Professional Standards Subcommittee/Program) (§30-29-3)

Housing Development Fund (Audited Financial Statements)  
(§31-18-24)

Insurance Commissioner, Offices of the (Occupational  
Pneumoconiosis Board) (§23-1-17)

Insurance Commissioner, Offices of the (Office of the  
Consumer Advocate) (§33-2-16)

Investment Management Board (Annual Report) (§12-6-14)

Investment Management Board (Audited Financial  
Statements) (§12-6-6)

Investment Management Board (Schedule of Investment  
Performance) (§12-6-6)

Landscape Architects, Board of (§30-1-12)

Massage Therapy Licensure Board (§30-1-12)

Medical Imaging and Radiation Therapy Technology Board of  
Examiners (§30-1-12)

Miners' Health, Safety, and Training, Office of (§22A-1-4)

Motor Vehicles, Division of (Motorcycle Safety Program)  
(§17B-1D-8)

Municipal Pensions Oversight Board (Municipal Policemen's and Firemen's Pension and Relief Funds) (§8-22-20a)

Natural Resources, Division of (§20-1-7)

Nursing Home Administrators Licensing Board (§30-1-12)

Osteopathic Medicine, Board of (§30-1-12)

Pharmacy, Board of (§30-1-12)

Physical Therapy, Board of (§30-1-12)

Professional Engineers, Board of Registration for (§30-1-12)

Protective Services, Division of (Monthly Incident Report) (§15-2D-3)

Psychologists, Board of Examiners of (§30-1-12)

Real Estate Appraiser Licensing and Certification Board (§30-1-12)

Real Estate Commission (§30-1-12)

Registered Nurses, Board of (§30-1-12)

Respiratory Care, Board of (§30-1-12)

Sanitarians, Board of (§30-1-12)

Social Work, Board of (§30-1-12)

Special Investigations, Commission on (§4-5-2)

Speech-Language Pathology and Audiology, Board of Examiners for (Annual Report) (§30-1-12)

Speech-Language Pathology and Audiology, Board of Examiners for (Hearing Aid Dealers Report) (§30-1-12)

Tax Commissioner (Biennial Report) (§11-1-4)

Tax Department, State (Volunteer Firefighter Tax Credit) (§11-13JJ-6)

Treasurer, Office of the (Debt Capacity) (§12-6A-6)

Treasury Investments, Board of (Audited Financial Statements) (§12-6C-15)

Treasury Investments, Board of (Annual Comprehensive Financial Report) (§12-6-6)

Veterinary Medicine, Board of (§30-1-12)

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senators Deeds, Smith, Stover, and Stuart:**

**Senate Bill 444**—A Bill to amend and reenact §33-15-21 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-16-3i of said code; to amend and reenact §33-24-7e of said code; to amend and reenact §33-25-8d of said code; and to amend and reenact §33-25A-8d of said code, all relating to clarifying that health insurance coverage for emergency services, when a prudent layperson acting reasonably would have believed that an emergency medical condition existed, includes pre-hospital screening and stabilization of emergency condition by ambulance service if the patient declines to be transported against medical advice.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senators Deeds, Grady, Rucker, Smith, Stover, and Stuart:**

**Senate Bill 445**—A Bill to amend and reenact §16-4C-8 and §16-4C-9 of the Code of West Virginia, 1931, as amended, all relating to reducing the certification periods for emergency medical services personnel from four years to two years to align

certification periods with those of the National Registry of Emergency Medical Technicians; to reducing the certification renewal fees to correspond with the shorter certification period; and requiring the Office of Emergency Medical Services to publish disciplinary actions taken against certified emergency medical services personnel on its website.

Referred to the Committee on Government Organization.

**By Senators Deeds, Smith, Stover, and Stuart:**

**Senate Bill 446**—A Bill to amend and reenact §20-18-2 and §20-18-8 of the Code of West Virginia, 1931, as amended, relating to Natural Resources Police Officer retirement; increasing the accrued benefit of members of the West Virginia Natural Resources Police Officer Retirement System who retire on or after January 1, 2027; and providing for additional funding of the West Virginia Natural Police Officer Retirement System.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 447**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33d, relating to directing the Commissioner of the Division of Natural Resources to establish a hyperlink on any agency websites which allow online applications for hunting or fishing licenses that connects users to optional firearms safety classes offered by the National Rifle Association and the United States Concealed Carry Association; and establishing an effective date.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Oliverio:**

**Senate Bill 448**—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring all public schools located within this state to give age-appropriate instruction on the Holocaust.

Referred to the Committee on Education.

**By Senators Hamilton and Deeds:**

**Senate Bill 449**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-3E-15, relating to limiting fireworks being set off in municipalities and communities and to not be permitted within 500 feet of a residence; and creating an exception for volunteer organizations and festivals to hold public fireworks displays.

Referred to the Committee on the Judiciary.

**By Senators Phillips, Hunt, Jeffries, Nelson, Queen, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, and Weld:**

**Senate Bill 450**—A Bill to amend and reenact §9-8-5 of the Code of West Virginia, 1931, as amended, relating to requiring a photograph of the user on EBT cards.

Referred to the Committee on Health and Human Resources.

**By Senators Phillips, Hunt, Jeffries, Nelson, Queen, Rucker, Smith, Stuart, Swope, Takubo, Taylor, and Trump:**

**Senate Bill 451**—A Bill to amend and reenact §7-4-1a and §7-4-6 of the Code of West Virginia, 1931, as amended, all relating to mandatory training; requiring all prosecutors to undergo training prior to perform his or her duties; and requiring the Prosecuting Attorneys Institute to conduct mandatory training for all prosecuting attorneys.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senators Tarr and Jeffries:**

**Senate Bill 452**—A Bill to amend and reenact §31-15A-8 of the Code of West Virginia, 1931, as amended, relating to designating certain water and wastewater facilities as an emergency project; and modifying the requirements to the designation.

Referred to the Committee on Economic Development.

**By Senator Tarr:**

**Senate Bill 453**—A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended, relating to requiring any pharmacy benefit manager who contracts with the Public Employees Insurance Agency to be entirely transparent in providing its full data around pricing and payments for drugs and to pharmacies.

Referred to the Committee on Health and Human Resources.

**By Senator Nelson:**

**Senate Bill 454**—A Bill to amend and reenact §31A-4-35 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46-3-118 of said code, all relating to modifying the duties of banks to retain records; limiting bank liability for the routine destruction of documents; providing uniformity between the statute of limitations for actions to enforce the obligation of a note and a bank's duty to retain and produce records on such notes; providing uniformity between statute of limitations and presumption of abandonment; providing a presumption of payment by the bank on any demand, savings, or time deposit where the property qualifies as abandoned property, or where there is evidence of escheatment to the state; and modifying bank's record production of notes presumed abandoned with record of escheatment to the state.

Referred to the Committee on Banking and Insurance.

**By Senator Nelson:**

**Senate Bill 455**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-1b; to amend and reenact §12-1-5 of said code; and to amend and reenact §12-1B-5 of said code; all relating generally to the banking authority of the State Treasurer's Office; setting forth prohibited clauses in State Treasurer contracts consistent with general restrictions on other state contracts; providing that the State Treasurer may implement the West Virginia Security for Public Deposits Program; and requiring announcement of the West Virginia Security for Public Deposits Program commencement date on the State Treasurer's website.

Referred to the Committee on Banking and Insurance.

Senators Woodrum, Blair (Mr. President), Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, and Weld offered the following resolution:

**Senate Concurrent Resolution 17**—Reaffirming the West Virginia Legislature's support for the State of Israel and the Jewish people; condemning anti-Semitic acts and expressions, both domestic and abroad; recognizing Israel's right to exist as a sovereign nation and a partner of the State of West Virginia; denouncing terrorist organizations and state sponsors of terrorism that threaten Israel's security and stability; and affirming the Christian-Jewish relationship as a source of strength and hope in the face of common enemies.

Which, under the rules, lies over one day.

Senator Woodrum offered the following resolution:

**Senate Resolution 6**—Honoring the life Edith Levy, a Holocaust survivor, and a remarkable woman, who dedicated her life to educating others about the horrors of genocide and the importance of tolerance and compassion.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 9**, US Merchant Marine Joseph Ward Teter Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 10**, Urging WV congressional delegation support legislation authorizing county governments to sell FEMA property.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Woodrum, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Concurrent Resolution 11**, US Marine Corps PFC Noel Harper Fields Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 12**, US Army PVT Raymond Lee Perkins Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 13**, US Navy S1 Paul McCue Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 14**, US Army PFC William Gorman Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 15**, Chief Edward "Eddie" Keesecker Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 16**, Urging US Congress enact reforms to federal permitting policies to accelerate deployment of new energy infrastructure.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Blair (Mr. President), unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Weld, and by unanimous consent, the remarks by Senator Blair (Mr. President) regarding the adoption of Senate Concurrent Resolution 16 were ordered printed in the Appendix to the Journal.

**Senate Resolution 5**, Designating January 15, 2024, as Child Advocacy Day at Legislature.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 164**, Relating generally to trespassing.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—1.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 164) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 2**, Authorizing DEP to promulgate rules.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Weld, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Hamilton.

The Senate next proceeded to the thirteenth order of business.

At the request of Senator Hunt, unanimous consent being granted, it was ordered that the Journal show had Senator Hunt been present in the chamber on Thursday, January 11, 2024, he would have voted "yea" on the adoption of Senate Resolution 2.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on January 12, 2024:

**Senate Bill 319:** Senator Chapman;

**Senate Bill 330:** Senator Takubo;

And,

**Senate Bill 354:** Senator Plymale.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 12, 2024:

**Senate Bill 194:** Senator Rucker;

**Senate Bill 201:** Senator Swope;

**Senate Bill 217:** Senator Swope;

**Senate Bill 224:** Senator Swope;

**Senate Bill 227:** Senator Swope;

**Senate Bill 252:** Senator Swope;

**Senate Bill 258:** Senator Swope;

**Senate Bill 269:** Senator Swope;

**Senate Bill 301:** Senators Phillips, Azinger, and Takubo;

**Senate Bill 302:** Senator Deeds;

**Senate Bill 303:** Senator Caputo;

**Senate Bill 306:** Senator Deeds;

**Senate Bill 307:** Senators Deeds and Hamilton;

**Senate Bill 308:** Senators Deeds and Caputo;

**Senate Bill 309:** Senators Deeds, Chapman, Caputo, Takubo, and Hamilton;

**Senate Bill 310:** Senators Chapman and Trump;

**Senate Bill 312:** Senator Deeds;

**Senate Bill 313:** Senators Rucker and Grady;

**Senate Bill 315:** Senator Deeds;

**Senate Bill 318:** Senators Deeds and Plymale;

**Senate Bill 319:** Senators Deeds and Hamilton;

**Senate Bill 320:** Senator Takubo;

**Senate Bill 321:** Senators Deeds and Rucker;

**Senate Bill 322:** Senator Deeds;

**Senate Bill 323:** Senators Deeds, Chapman, Caputo, Takubo, and Hamilton;

**Senate Bill 324:** Senators Azinger, Chapman, Maynard, and Rucker;

**Senate Bill 325:** Senator Plymale;

**Senate Bill 326:** Senators Takubo and Hamilton;

**Senate Bill 327:** Senators Caputo and Plymale;

**Senate Bill 328:** Senators Deeds and Chapman;

**Senate Bill 330:** Senator Hamilton;

**Senate Bill 331:** Senators Deeds and Grady;

**Senate Bill 334:** Senator Deeds;

**Senate Bill 335:** Senator Deeds;

**Senate Bill 336:** Senator Deeds;

**Senate Bill 339:** Senator Deeds;

**Senate Bill 341:** Senators Deeds and Hamilton;

**Senate Bill 343:** Senators Deeds and Takubo;

**Senate Bill 344:** Senator Deeds;

**Senate Bill 347:** Senators Deeds, Chapman, Takubo, Hamilton, and Swope;

**Senate Bill 350:** Senator Chapman;

**Senate Bill 351:** Senator Takubo;

**Senate Bill 355:** Senator Deeds;

**Senate Bill 357:** Senator Deeds;

**Senate Bill 359:** Senator Azinger;

**Senate Bill 365:** Senator Chapman;

**Senate Bill 371:** Senator Chapman;

**Senate Bill 378:** Senator Grady;

**Senate Bill 388:** Senator Deeds;

**Senate Bill 390:** Senator Hamilton;

**Senate Bill 397:** Senators Trump and Jeffries;

**Senate Bill 398:** Senator Grady;

**Senate Bill 399:** Senators Deeds and Grady;

**Senate Bill 400:** Senator Deeds;

**Senate Bill 401:** Senators Deeds and Hamilton;

**Senate Bill 402:** Senators Deeds and Hamilton;

**Senate Bill 403:** Senators Chapman and Hamilton;

**Senate Bill 404:** Senator Deeds;

**Senate Bill 405:** Senator Deeds;

**Senate Bill 408:** Senators Deeds, Grady, and Hamilton;

**Senate Bill 409:** Senator Deeds;

**Senate Bill 414:** Senator Chapman;

**Senate Bill 416:** Senator Deeds;

**Senate Bill 417:** Senator Deeds;

**Senate Bill 423:** Senators Chapman, Maynard, and Taylor;

**Senate Bill 424:** Senator Hamilton;

**Senate Bill 425:** Senator Deeds;

**Senate Bill 426:** Senator Deeds;

**Senate Bill 429:** Senator Deeds;

**Senate Bill 431:** Senator Deeds;

**Senate Bill 434:** Senator Deeds;

**Senate Bill 435:** Senator Hamilton;

**Senate Bill 437:** Senator Deeds;

**Senate Bill 439:** Senator Chapman;

**Senate Bill 441:** Senator Deeds;

**Senate Bill 442:** Senator Trump;

**Senate Bill 443:** Senators Deeds and Hamilton;

**Senate Concurrent Resolution 16:** Senator Chapman;

And,

**Senate Resolution 5:** Senators Caputo and Rucker.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Weld, at 11:27 a.m., the Senate adjourned until tomorrow, Tuesday, January 16, 2024, at 11 a.m.

---

## TUESDAY, JANUARY 16, 2024

The Senate met at 11 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Vince S. Deeds, a senator from the tenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Rupie Phillips, a senator from the seventh district.

Pending the reading of the Journal of Monday, January 15, 2024,

At the request of Senator Nelson, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bills 60, 61, 62, 63, 64, and 65**, DMV rule relating to motor vehicle titling.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 60** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Transportation to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to motor vehicle titling; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to dealer licensing; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to handicapped parking permits; authorizing the Division of Highways to promulgate a legislative rule relating to construction and reconstruction of state roads; authorizing the Division of Highways to promulgate a legislative rule relating to traffic and safety rules; and authorizing the Division of Multimodal Transportation Faculties to promulgate a legislative rule relating to valuation of used rolling stock and equipment.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 219**, Relating to Uniform Controlled Substances Act.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Tarr:**

**Senate Bill 456**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-18a, relating to prohibiting public camping; defining terms; prohibiting camping in public places; providing that person's intent established through specified actions; providing that violation of article constitutes a misdemeanor; providing for fine; requiring bus ticket to be offered; providing for community service; addressing preemption; and requiring officer to provide information prior to issuance of citation unless there is an imminent threat to public health or safety.

Referred to the Committee on the Judiciary.

**By Senators Takubo, Caputo, Deeds, Hamilton, Hunt, Rucker, Stover, Taylor, and Woodrum:**

**Senate Bill 457**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §37-16-1, §37-16-2, §37-16-3, §37-16-4, §37-16-5, §37-16-6, §37-16-

7, and §37-16-8, all relating to creating the Prohibition of Unfair Real Estate Service Agreements Act; providing for a short title; creating definitions; providing for enforceability; defining a deceptive act; prohibiting recording; creating the process of recording of a court order; providing for a right of recovery; and defining relationship to other laws.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 458**—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to the personal income tax; eliminating the limitations relating to the decreasing modification for Social Security benefits received pursuant to specified provisions retroactive effective date; making technical corrections to delete redundant language, specifying retrospective effect.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 459**—A Bill to amend and reenact §11-21-21 of the Code of West Virginia, 1931, as amended, relating to the senior citizens' tax credit for property tax paid; providing for an increase in the amount of credit; expanding the income eligibility; and providing for retroactive effective date.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 460**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to providing for a child and dependent care credit against the personal income tax in the amount of 50 percent of the allowed federal tax credit; and specifying retroactive effective date.

Referred to the Committee on Finance.

**By Senators Swope and Weld:**

**Senate Bill 461**—A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to county economic opportunity development districts; extending when the Fort Henry Economic Opportunity Development District may be abolished or terminated; and increasing the land area within the Ridges Economic Opportunity Development District subject to the special district excise tax.

Referred to the Committee on Economic Development.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 462**—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 463**—A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §5F-2-1b and §5F-2-9; to amend and reenact §31A-2-2, §31A-2-3, §31A-2-4, §31A-2-4a, §31A-2-4b, §31A-2-4c, §31A-2-5, §31A-2-6, §31A-2-7, §31A-2-8, §31A-2-9, §31A-2-12, and §31A-2-14 of said code; and to amend and reenact §31A-3-1 and §31A-3-2 of said code, all relating to reorganizing the Board of Banking and Financial Institutions, the Division of Financial Institutions, and the Lending and Credit Rate Board into independent divisions and boards of the executive branch beginning January 1, 2025; removing references to the former Department of Banking; designating the Board of Banking and Financial Institutions as the chief executive body under the reorganization structure; providing the Division of Financial Institutions and Lending and Credit Rate Board with oversight and supervision by the Board of Banking and Financial

Institutions; requiring the Board of Banking and Financial Institutions to approve any policy decision, proposed budget, or personnel-related decision of the Division of Financial Institutions; exempting the Division of Financial Institutions from the classified service system; establishing a merit-based system for personnel administration for the Division of Financial Institutions; authorizing the commissioner to establish a merit-based system; authorizing current employees to opt in to classified-exempt system in writing; authorizing the commissioner, as chair of the Board of Banking and Financial Institutions, to vote only in instances of a tie; requiring the Board of Banking and Financial Institutions to meet bi-monthly; increasing the experience qualifications of the commissioner and deputy commissioner; providing uniformity in code to references of National Multistate Licensing System and Registry; providing requirements for the commissioner's merit-based policy for employment positions; authorizing the commissioner to employ additional support staff; exempting rules promulgated by the Division of Financial Institutions from legislative approval and providing approval by the Board of Banking and Financial Institutions; authorizing the commissioner's examination fund to become a revolving fund; and requiring the commissioner to return 10 percent of total revenue collected to the General Revenue Fund of the State Treasury.

Referred to the Committee on Banking and Insurance; and then to the Committee on Government Organization.

**By Senators Smith, Chapman, Grady, Phillips, Takubo, Tarr, Taylor, and Weld:**

**Senate Bill 464**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-5-5; and to amend and reenact §3-5-13 of said code, all relating to the nomination and election of candidates for U.S. Congress; setting forth legislative findings and purpose; defining terms; setting forth residency requirements for candidacy; providing for legal standing to enforce and defend statute; establishing penalties; and clarifying the form and content of the ballot for an election to represent a congressional district.

Referred to the Committee on the Judiciary.

**By Senators Oliverio, Azinger, Caputo, Chapman, Clements, Deeds, Hamilton, Hunt, Jeffries, Plymale, Stuart, Swope, Taylor, and Woelfel:**

**Senate Bill 465**—A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-1-2a, relating to prohibiting schools from starting an instructional day any earlier than 7:45 a.m.

Referred to the Committee on Education.

**By Senators Clements, Barrett, Deeds, Grady, Hamilton, Hunt, Oliverio, Phillips, and Stuart:**

**Senate Bill 466**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to requiring the board to create a safety while accessing technology education program; establishing program requirements; providing board discretion to develop program materials; requiring county school boards to implement policies for annual training of safety while accessing technology education programs; and making implementation of program effective for the 2025-2026 school year.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senators Stuart, Chapman, Clements, Deeds, Hunt, Phillips, Rucker, Smith, Stover, Swope, Tarr, Taylor, and Woodrum:**

**Senate Bill 467**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-23-5, relating to licensing the sale of charitable raffles and boards to benefit volunteer fire departments in this state; explaining the legislative purpose; setting forth the licensure requirement; providing for the agency to issue licenses; providing for the designation of proceeds from the sale of charitable raffle boards and games; clarifying the county option; authorizing the state to contract with distributors to effectuate sales of charitable raffle boards and games; and providing for enforceability.

Referred to the Committee on Government Organization.

**By Senators Rucker, Azinger, Deeds, Grady, Hunt, Martin, Smith, Stover, Stuart, and Taylor:**

**Senate Bill 468**—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-2-44, all relating to the State Board of Education and required courses of education; providing for courses to include human growth and development related to pregnancy and human development inside the womb; requiring methods of presenting this instruction and adding a human growth and development curriculum to be known as the Baby Olivia Act; and authorizing the Attorney General to sue for any violation of the Baby Olivia Act.

Referred to the Committee on Education.

**By Senators Oliverio and Trump:**

**Senate Bill 469**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-22-1, §55-22-2, §55-22-3, §55-22-4, §55-22-5, §55-22-6, §55-22-7, §55-22-8, §55-22-9, §55-22-10, §55-22-11, §55-22-12, and §55-22-13, all relating generally to the Uniform Public Expression Protection Act.

Referred to the Committee on the Judiciary.

**By Senators Oliverio and Trump:**

**Senate Bill 470**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-9-1, §31A-9-2, §31A-9-3, §31A-9-4, §31A-9-5, §31A-9-6, §31A-9-7, §31A-9-8, §31A-9-9, §31A-9-10, §31A-9-11, §31A-9-12, §31A-9-13, §31A-9-14, §31A-9-15, and §31A-9-16, all relating to the Uniform Special Deposits Act.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 471**—A Bill to amend and reenact §15-2B-2, §15-2B-3, §15-2B-5, §15-2B-6, §15-2B-9, and §15-2B-11 of the Code of West Virginia, 1931, as amended, all relating to

deoxyribonucleic acid that is maintained for law-enforcement purposes in West Virginia; providing updates for the policy of maintaining deoxyribonucleic acid; updating definitions; adding language to further define and include qualified arrestees in the state deoxyribonucleic acid database; requiring testing of qualified arrestees on intake; requiring a deoxyribonucleic acid sample from individuals convicted of a felony on or after March 9, 1995; specifying testing methods; authorizing emergency and legislative rules; specifying expungement for qualified arrestees in certain circumstances; and providing failure to expunge or reasonably delay expungement will not invalidate an identification, warrant, probable cause to arrest, or arrest based upon a database match.

Referred to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 472**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-6-26, relating to requiring hotels and public lodging establishments to provide human trafficking awareness training to employees; and providing for enforcement and rulemaking.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 17**, Reaffirming support of WV Legislature for State of Israel and Jewish people.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Woodrum, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Tarr demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. C. R. 17) adopted.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Resolution 6**, Honoring life of Edith Levy, Holocaust survivor.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Government Organization.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 2**, Authorizing DEP to promulgate rules.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, January 15, 2024, for amendments to be received on third reading, was read a third time.

There being no amendments offered,

Engrossed Committee Substitute for Senate Bill 2 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips,

Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 2) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 2) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 15, 2024:

**Senate Bill 174:** Senator Woodrum;

**Senate Bill 181:** Senator Woodrum;

**Senate Bill 182:** Senator Karnes;

**Senate Bill 186:** Senator Karnes;  
**Senate Bill 195:** Senator Karnes;  
**Senate Bill 198:** Senator Karnes;  
**Senate Bill 205:** Senator Woelfel;  
**Senate Bill 214:** Senator Karnes;  
**Senate Bill 219:** Senator Deeds;  
**Senate Bill 230:** Senator Karnes;  
**Senate Bill 237:** Senator Karnes;  
**Senate Bill 246:** Senator Karnes;  
**Senate Bill 248:** Senator Woelfel;  
**Senate Bill 249:** Senator Woelfel;  
**Senate Bill 250:** Senator Woelfel;  
**Senate Bill 258:** Senator Woelfel;  
**Senate Bill 291:** Senator Karnes;  
**Senate Bill 298:** Senator Chapman;  
**Senate Bill 307:** Senator Jeffries;  
**Senate Bill 321:** Senators Chapman, Phillips, and Woodrum;  
**Senate Bill 324:** Senators Martin and Stuart;  
**Senate Bill 332:** Senator Karnes;  
**Senate Bill 342:** Senator Woelfel;  
**Senate Bill 350:** Senator Karnes;  
**Senate Bill 352:** Senator Karnes;  
**Senate Bill 354:** Senators Phillips and Plymale;  
**Senate Bill 357:** Senator Woelfel;

**Senate Bill 358:** Senator Karnes;  
**Senate Bill 364:** Senator Karnes;  
**Senate Bill 373:** Senators Woelfel and Weld;  
**Senate Bill 374:** Senator Woelfel;  
**Senate Bill 375:** Senator Karnes;  
**Senate Bill 383:** Senators Woelfel and Chapman;  
**Senate Bill 390:** Senator Chapman;  
**Senate Bill 397:** Senator Karnes;  
**Senate Bill 399:** Senator Stuart;  
**Senate Bill 400:** Senators Queen and Phillips;  
**Senate Bill 403:** Senators Phillips, Woelfel, and Stuart;  
**Senate Bill 404:** Senator Karnes;  
**Senate Bill 412:** Senator Woelfel;  
**Senate Bill 416:** Senator Woelfel;  
**Senate Bill 418:** Senator Woelfel;  
**Senate Bill 421:** Senator Stuart;  
**Senate Bill 423:** Senator Karnes;  
**Senate Bill 431:** Senator Stuart;  
**Senate Bill 435:** Senator Woelfel;  
**Senate Bill 437:** Senators Woelfel and Stuart;  
**Senate Bill 439:** Senators Stuart and Woelfel;  
**Senate Bill 444:** Senator Woelfel;  
**Senate Bill 445:** Senators Woelfel and Roberts;  
**Senate Bill 446:** Senator Hamilton;

**Senate Bill 447:** Senators Woodrum and Hamilton;

**Senate Bill 448:** Senators Woodrum, Woelfel, and Rucker;

**Senate Bill 449:** Senator Woodrum;

**Senate Bill 450:** Senators Deeds, Woodrum, Roberts, Grady, Rucker, Hamilton, and Martin;

**Senate Bill 451:** Senators Woodrum, Woelfel, and Plymale;

**Senate Bill 452:** Senator Phillips;

**Senate Bill 453:** Senators Woodrum, Grady, Rucker, and Stuart;

**Senate Joint Resolution 5:** Senator Chapman;

**Senate Concurrent Resolution 12:** Senator Chapman;

**Senate Concurrent Resolution 13:** Senator Chapman;

**Senate Concurrent Resolution 14:** Senator Chapman;

**Senate Concurrent Resolution 15:** Senator Chapman;

**Senate Concurrent Resolution 16:** Senator Nelson;

**Senate Concurrent Resolution 17:** Senator Caputo;

And,

**Senate Resolution 6:** Senators Oliverio, Phillips, Caputo, Rucker, and Hamilton.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:11 a.m., the Senate adjourned until tomorrow, Wednesday, January 17, 2024, at 11 a.m.

---

## WEDNESDAY, JANUARY 17, 2024

The Senate met at 11:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Mark R. Maynard, a senator from the sixth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jay Taylor, a senator from the fourteenth district.

Pending the reading of the Journal of Tuesday, January 16, 2024,

At the request of Senator Phillips, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communication from a state agency as required by the provisions of law:

Motor Vehicles, Division of (Safety and Treatment Program)  
(§17C-5A-3)

The Senate then proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bills 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, and 33,** Department of Health rule relating to public water systems operators.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 17** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Health to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Department of Health to promulgate a legislative rule relating to public water systems operators; authorizing the Department of Health to promulgate a legislative rule relating to wastewater systems and operators; authorizing the Department of Health to promulgate a legislative rule relating to behavioral health centers licensure; authorizing the Department of Health to promulgate a legislative rule relating to hospital licensure; authorizing the Department of Health to promulgate a legislative rule relating to assisted living residences; authorizing the Department of Health to promulgate a legislative rule relating to cross-connection control and backflow prevention; authorizing the Department of Health to promulgate a legislative rule relating to fees for permits; authorizing the Department of Health to promulgate a legislative rule relating to fees for services; authorizing the Department of Health to promulgate a legislative rule relating to medical examiner requirements for postmortem inquiries; authorizing the Department of Health to promulgate a legislative rule relating to newborn screening system; authorizing the Department of Health to promulgate a legislative rule relating to distribution of funds from Emergency Medical Services Salary Enhancement Fund; authorizing the Department of Health to promulgate a legislative rule relating to West Virginia Clearance for Access, registry and employment screening; authorizing the Department of Health to promulgate a legislative rule relating to cooperative agreement approval and compliance; authorizing the Department of Health to promulgate a legislative rule relating to certificate of need; authorizing the Department of Health to promulgate a legislative rule relating to chronic pain management clinic licensure; and authorizing the Department of Health to promulgate a legislative rule relating to medication-assisted treatment and office-based, medication-assisted treatment.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bills 31, 34, and 35**, Department of Human Services rule relating to collection and exchange of data related to overdoses.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 31** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §64-5A-1 and §64-5A-2, all relating generally to authorizing certain agencies of the Department of Human Services to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Human Services to promulgate a legislative rule relating to collection and exchange of data related to overdoses; authorizing the Department of Human Services to promulgate a legislative rule relating to procedure to contest the substantiation of child abuse or neglect; and authorizing the Family Protection Services Board to promulgate a legislative rule relating to domestic violence program licensure standards.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 152**, Displaying official US motto in public schools.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 152** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, relating to the display of the official motto of the United States in public elementary and secondary schools and in institutions of higher education.

And,

**Senate Bill 280**, Allowing teachers in public schools to teach intelligent design.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 280** (originating in the Committee on Education)—A Bill to amend and reenact §18-5-46 of the Code of West Virginia, 1931, as amended, relating to allowing a public school classroom teacher to discuss scientific theories of how the universe and/or life came to exist.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 208**, Establishing tax credit for certain physicians who locate to practice in WV.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 208** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13NN-1, §11-13NN-2, §11-13NN-3, §11-13NN-4, §11-13NN-5, §11-13NN-6, §11-13NN-7, §11-13NN-8, and §11-13NN-9, all relating to establishing a tax credit for certain physicians who locate in this state to practice; setting forth findings; defining terms; setting forth eligibility for tax credit; creating the tax credit; establishing maximum allowable amount of tax credit; setting forth procedure to claim tax credit; authorizing the Tax Commissioner to promulgate rules; and setting effective date.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The bill (Com. Sub. for S. B. 208), under the original double committee reference, was then referred to the Committee on Finance.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 217**, Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 217** (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4, relating to providing the state and its political subdivisions with ability and process by which to negotiate lower price for construction work when all bids received exceed the maximum budgeted amount; establishing ability to make negotiated award to lowest responsive and responsible bidder when there are multiple bidders; and setting sunset date.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 240**, Increasing fees charged by sheriff.

**Senate Bill 264**, Reducing rates for legal advertising.

And,

**Senate Bill 438**, Modifying roster requirements of authorizing entities.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 253**, Establishing minimum student enrollment for school aid formula.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 269**, Excluding test strips from definition of drug paraphernalia.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 269** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §47-19-3 of the Code of West Virginia, 1931, as amended; and to repeal §60A-4-403a of said code, relating to excluding test strips from the definition of drug paraphernalia; and specifying that possession, sale, or purchase of drug test strips is not prohibited.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 293**, Creating the Glucagon for Schools Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 293** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to creating the Glucagon for Schools Act; defining terms; allowing prescription for undesignated glucagon in the name of a school district or school; allowing school to maintain a supply of undesignated glucagon; allowing trained school personnel to administer undesignated glucagon if the student's prescribed glucagon is not available on site or has expired; prohibiting licensed health professional with prescribing authority and pharmacist from being held responsible for harm due to the administration of undesignated glucagon in certain instances; declaring school personnel, the school district or school of employment, members of the governing school board, and the chief administrator are not liable in any criminal action or for civil damages as a result of administering undesignated glucagon in certain instances; requiring a school to call local emergency assistance and notify certain others as soon as practicable after the administration of undesignated glucagon; stating that each school should have an easily accessible glucometer on site; allowing all school personnel in schools that have students with diabetes to

receive certain training; allowing designated school personnel to be trained to perform tasks necessary to assist a student with diabetes in accordance with his or her diabetes medical management plan; allowing school district to coordinate staff training; allowing school nurses, where available, or certain health care providers to provide technical assistance, consultation, or both to school personnel; and requiring an information sheet to be provided to any school employee who transports a student for school-sponsored activities.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 300**, Relating to the organization of the Office of the Inspector General.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 300** (originating in the Committee on Health and Human Resources)—A Bill to repeal §5-11-1, §5-11-2, §5-11-3, §5-11-4, §5-11-5, §5-11-6, §5-11-7, §5-11-8, §5-11-9, §5-11-9a, §5-11-10, §5-11-11, §5-11-12, §5-11-13, §5-11-14, §5-11-15, §5-11-16, §5-11-17, §5-11-18, §5-11-19, and §5-11-20 of the Code of West Virginia, 1931, as amended; to repeal §5-11A-1, §5-11A-2, §5-11A-3, §5-11A-3a, §5-11A-4, §5-11A-5, §5-11A-6, §5-11A-7, §5-11A-8, §5-11A-9, §5-11A-10, §5-11A-11, §5-11A-12, §5-11A-13, §5-11A-14, §5-11A-15, §5-11A-16, §5-11A-17, §5-11A-18, §5-11A-19, and §5-11A-20 of said code; to repeal §5-11B-1, §5-11B-2, §5-11B-3, §5-11B-4, §5-11B-5, §5-

11B-6, and §5-11B-7 of said code; to amend and reenact §9-5-27 of said code; to repeal §16-1-22, §16-1-22a, §16-1-22b, and §16-1-22c of said code; to repeal §16-2E-1, §16-2E-2, §16-2E-3, §16-2E-4, and §16-2E-5 of said code; to repeal §16-2N-1, §16-2N-2, and §16-2N-3 of said code; to repeal §16-5B-1, §16-5B-2, §16-5B-3, §16-5B-4, §16-5B-5, §16-5B-5a, §16-5B-6, §16-5B-7, §16-5B-8, §16-5B-9, §16-5B-10, §16-5B-11, §16-5B-12, §16-5B-13, §16-5B-14, §16-5B-15, §16-5B-16, §16-5B-17, §16-5B-18, §16-5B-19, and §16-5B-20 of said code; to repeal §16-5C-1, §16-5C-2, §16-5C-3, §16-5C-4, §16-5C-5, §16-5C-6, §16-5C-7, §16-5C-8, §16-5C-9, §16-5C-9a, §16-5C-10, §16-5C-11, §16-5C-12, §16-5C-12a, §16-5C-13, §16-5C-14, §16-5C-15, §16-5C-18, §16-5C-19, §16-5C-20, §16-5C-21, and §16-5C-22 of said code; to repeal §16-5D-1, §16-5D-2, §16-5D-3, §16-5D-4, §16-5D-5, §16-5D-6, §16-5D-7, §16-5D-8, §16-5D-9, §16-5D-10, §16-5D-11, §16-5D-12, §16-5D-13, §16-5D-14, §16-5D-15, and §16-5D-18 of said code; to repeal §16-5E-1, §16-5E-1a, §16-5E-2, §16-5E-3, §16-5E-3a, §16-5E-4, §16-5E-5, and §16-5E-6 of said code; to repeal §16-5H-1, §16-5H-2, §16-5H-3, §16-5H-4, §16-5H-5, §16-5H-6, §16-5H-7, §16-5H-8, §16-5H-9, and §16-5H-10 of said code; to repeal §16-5I-1, §16-5I-2, §16-5I-3, §16-5I-4, §16-5I-5, and §16-5I-6 of said code; to repeal §16-5N-1, §16-5N-2, §16-5N-3, §16-5N-4, §16-5N-5, §16-5N-6, §16-5N-7, §16-5N-8, §16-5N-9, §16-5N-10, §16-5N-11, §16-5N-12, §16-5N-13, §16-5N-14, §16-5N-15, and §16-5N-16 of said code; to repeal §16-5O-1, §16-5O-2, §16-5O-3, §16-5O-4, §16-5O-5, §16-5O-6, §16-5O-7, §16-5O-8, §16-5O-9, §16-5O-10, §16-5O-11, and §16-5O-12 of said code; to repeal §16-5R-1, §16-5R-2, §16-5R-3, §16-5R-4, §16-5R-5, §16-5R-6, and §16-5R-7 of said code; to repeal §16-5W-1, §16-5W-2, §16-5W-3, and §16-5W-4 of said code; to repeal §16-5Y-1, §16-5Y-2, §16-5Y-3, §16-5Y-4, §16-5Y-5, §16-5Y-6, §16-5Y-7, §16-5Y-8, §16-5Y-9, §16-5Y-10, §16-5Y-11, §16-5Y-12, and §16-5Y-13 of said code; to repeal §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10 of said code; to repeal §16-49-1, §16-49-2, §16-49-3, §16-49-4, §16-49-5, §16-49-6, §16-49-7, §16-49-8, and §16-49-9 of said code; to amend said code by adding thereto a new chapter, designated §16B-1-1, §16B-2-1, §16B-2-2, §16B-2-3, §16B-2-4, §16B-3-1, §16B-3-2, §16B-3-3, §16B-3-4, §16B-3-5,

§16B-3-5a, §16B-3-6, §16B-3-7, §16B-3-8, §16B-3-9, §16B-3-10, §16B-3-11, §16B-3-12, §16B-3-13, §16B-3-14, §16B-3-15, §16B-3-16, §16B-3-17, §16B-3-18, §16B-3-19, §16B-3-20, §16B-4-1, §16B-4-2, §16B-4-3, §16B-4-4, §16B-4-5, §16B-4-6, §16B-4-7, §16B-4-8, §16B-4-9, §16B-4-9a, §16B-4-10, §16B-4-11, §16B-4-12, §16B-4-12a, §16B-4-13, §16B-4-14, §16B-4-15, §16B-4-18, §16B-4-19, §16B-4-20, §16B-4-21, §16B-4-22, §16B-5-1, §16B-5-2, §16B-5-3, §16B-5-4, §16B-5-5, §16B-5-6, §16B-5-7, §16B-5-8, §16B-5-9, §16B-5-10, §16B-5-11, §16B-5-12, §16B-5-13, §16B-5-14, §16B-5-15, §16B-5-18, §16B-6-1, §16B-6-1a, §16B-6-2, §16B-6-3, §16B-6-3a, §16B-6-4, §16B-6-5, §16B-6-6, §16B-7-1, §16B-7-2, §16B-7-3, §16B-7-4, §16B-7-5, §16B-7-6, §16B-7-7, §16B-7-8, §16B-7-9, §16B-7-10, §16B-8-1, §16B-8-2, §16B-8-3, §16B-8-4, §16B-8-5, §16B-8-6, §16B-9-1, §16B-9-2, §16B-9-3, §16B-9-4, §16B-9-5, §16B-9-6, §16B-9-7, §16B-9-8, §16B-9-9, §16B-9-10, §16B-9-11, §16B-9-12, §16B-9-13, §16B-9-14, §16B-9-15, §16B-9-16, §16B-10-1, §16B-10-2, §16B-10-3, §16B-10-4, §16B-10-5, §16B-10-6, §16B-10-7, §16B-10-8, §16B-10-9, §16B-10-10, §16B-10-11, §16B-10-12, §16B-11-1, §16B-11-2, §16B-11-3, §16B-11-4, §16B-11-5, §16B-11-6, §16B-11-7, §16B-12-1, §16B-12-2, §16B-12-3, §16B-13-1, §16B-13-2, §16B-13-3, §16B-13-4, §16B-13-5, §16B-13-6, §16B-13-7, §16B-13-8, §16B-13-9, §16B-13-10, §16B-13-11, §16B-13-12, §16B-13-13, §16B-14-1, §16B-14-2, §16B-14-3, §16B-14-4, §16B-14-5, §16B-14-6, §16B-14-7, §16B-14-8, §16B-14-9, §16B-14-10, §16B-15-1, §16B-15-2, §16B-15-3, §16B-15-4, §16B-15-5, §16B-15-6, §16B-15-7, §16B-15-8, §16B-15-9, §16B-16-1, §16B-16-2, §16B-16-3, §16B-16-4, §16B-16-5, §16B-16-6, §16B-16-7, §16B-16-8, §16B-16-9, §16B-16-10, §16B-17-1, §16B-17-2, §16B-17-3, §16B-17-4, §16B-17-5, §16B-17-6, §16B-17-7, §16B-17-8, §16B-17-9, §16B-17-9a, §16B-17-10, §16B-17-11, §16B-17-12, §16B-17-13, §16B-17-14, §16B-17-15, §16B-17-16, §16B-17-17, §16B-17-18, §16B-17-19, §16B-17-20, §16B-18-1, §16B-18-2, §16B-18-3, §16B-18-3a, §16B-18-4, §16B-18-5, §16B-18-6, §16B-18-7, §16B-18-8, §16B-18-9, §16B-18-10, §16B-18-11, §16B-18-12, §16B-18-13, §16B-18-14, §16B-18-15, §16B-18-16, §16B-18-17, §16B-18-18, §16B-18-19, §16B-18-20, §16B-19-1, §16B-19-2, §16B-19-3, §16B-19-4, §16B-19-5, §16B-19-6, §16B-19-7, §16B-20-1, §16B-20-2, §16B-20-3, §16B-20-4, §16B-20-5, §16B-21-1, §16B-21-2,

and §16B-21-3; to amend and reenact §25-1B-7 of said code; to amend and reenact §27-1-9 of said code; to amend and reenact §27-1A-6 and §27-1A-7 of said code; to amend and reenact §27-9-1 and §27-9-2 of said code; to amend and reenact §27-17-1 and §27-17-3 of said code; to amend and reenact §49-1-203 of said code; and to repeal §49-9-101, §49-9-102, §49-9-103, §49-9-104, §49-9-105, §49-9-106, §49-9-107, §49-9-108, §49-9-109, and §49-9-110 of said code, all relating to the organization of the Office of the Inspector General; repealing code of programs related to the Office of the Inspector General; setting forth findings; setting forth duties and powers of the Inspector General; providing for rulemaking authority; setting forth qualifications for directors of Office of Health Facility Licensure and Certification and Investigations and Fraud Management; moving related units, programs, and commissions that are affiliated with the Office of the Inspector General into the same chapter; and conducting technical and stylistic amendments.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senators Stuart, Azinger, Hunt, Phillips, Tarr, Taylor, and Woodrum:**

**Senate Bill 473**—A Bill to amend and reenact §61-2-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f, and §61-2-2g; to repeal §61-11-2 of said code; to repeal §62-3-15 of said code; and to amend said code by adding thereto four new sections, designated

§62-7-4, §62-7-5, §62-7-6, and §62-7-6a, all relating to permitting the death penalty for first degree murder for the crime of intentionally killing a law-enforcement officer or first responder in the line of duty; providing for procedures, standards, and findings applicable to the imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid testing of biological material in death penalty cases; providing for execution of the death sentence by any legally acceptable means, including lethal injection or firing squad; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence, and judgment entered thereon to the warden of the state correctional facility; transferring of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body.

Referred to the Committee on the Judiciary.

**By Senator Woelfel:**

**Senate Bill 474**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §61-12B-1, §61-12B-2, §61-12B-3, §61-12B-4, and §61-12B-5, all relating to critical incident reporting; creating a critical incident review team; setting forth duties of the critical incident review team; requiring reporting of the critical incident review team; setting forth date of report; providing critical incident review team with access to information; and setting forth confidentiality.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 475**—A Bill amend and reenact §16-59-1, §16-59-2, and §16-59-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-59-4; and to amend and reenact §16-62-1 and §16-62-2 of said code, all relating to recovery residences; defining terms; amending

the accreditation program to include protecting residents from human trafficking and patient brokering; requiring the collection of data from recovery residences; requiring the data collected be uniform among recovery residences; requiring rulemaking regarding the data to be collected; requiring stakeholder engagement to develop the rules; setting forth minimum data content; providing that the data shall be shared; providing privacy restrictions on data; requiring documentation verifying initial and continued registration be submitted; permitting an immediate jeopardy notice to be served in person; prohibiting recovery residence that has received a suspension or revocation notice from taking new residents; providing procedure for immediate jeopardy; permitting immediate revocation of certification if immediate jeopardy is not corrected prior to certifying agency leaving the premises; requiring transfer of residents in event immediate jeopardy is not corrected and setting forth time frame; prohibiting recovery residence without a certificate of compliance from receiving a referral from stated entities; providing for a penalty if the referral is received in violation of this article; deleting requirement that certifying agency maintain and publish a list of recovery residences; clarifying that referral shall not be made unless recovery residence has a valid certificate of compliance; prohibiting all recovery residences from receiving funds from a resident that is in the form of a state benefit unless it holds a valid certificate of compliance; increasing penalties for violations; requiring all recovery residences to register with the Office of Health Facility Licensure and Certification; setting forth procedure for registration; permitting fee; setting term of registration as one year; providing for penalty for failure to register; providing due process; clarifying that recovery residences are subject to the Patient Brokering Act; requiring the Office of the Inspector General to review data to determine if violations of the Patient Brokering Act have occurred; requiring referral to state or local law-enforcement authorities to coordinate, investigate, or prosecute violations; requiring state or local law enforcement to investigate referral; requiring the Office of Inspector General to receive data regarding recovery residences; and specifying document handling specifications.

Referred to the Committee on Health and Human Resources.

**By Senators Stover, Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Queen, Roberts, Rucker, Stuart, Swope, Takubo, Trump, Weld, and Woodrum:**

**Senate Bill 476**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33d, relating to establishing a pop-up window that directs users to optional firearms safety classes offered by the National Rifle Association and the United States Concealed Carry Association.

Referred to the Committee on Agriculture and Natural Resources.

**By Senators Maroney and Takubo:**

**Senate Bill 477**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-17, relating to prohibiting the public disclosure of personal information on the internet; and providing for penalties.

Referred to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Bill 478**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13NN-1, §11-13NN-2, §11-13NN-3, §11-13NN-4, and §11-13NN-5, all relating to providing an income tax credit for certain eligible taxpayers that sell electricity to energy intensive industrial and manufacturing consumers; setting forth legislative findings and purpose; providing for definitions; providing for a credit against state business and operating taxes; providing for the allowance of certain tax credits in specific taxable years; providing for the application of certain tax credits; and authorizing rulemaking.

Referred to the Committee on Finance.

**By Senator Jeffries:**

**Senate Bill 479**—A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-3-3c of said code; and to amend and reenact §62-4-17 of said code, all relating to eliminating the ability of a person's driver's license to be suspended for failure to pay court fines and costs.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Jeffries:**

**Senate Bill 480**—A Bill to amend and reenact §3-2-6 of the Code of West Virginia, 1931, as amended, relating to clarifying the uniform statewide deadline for electronically submitted voter registration applications.

Referred to the Committee on Government Organization.

**By Senator Jeffries:**

**Senate Bill 481**—A Bill to amend and reenact §47-26-1 and §47-26-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §47-26-2a; and to amend and reenact §47-26-3 of said code, all relating to the regulation of pawnbrokers; removing an exception for certain transactions from the report required of all pawnbrokers; requiring all pawnbrokers to be equipped with certain surveillance equipment and signage effective January 1, 2025; prohibiting pawnbrokers from doing business with certain persons; prohibiting pawnbrokers from purchasing certain items or transacting with certain items from anyone; creating misdemeanor offenses for certain violations; and increasing the penalties for existing criminal offenses related to pawnbrokers.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 482**—A Bill to amend and reenact §6B-2-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6B-3-1, §6B-3-2, §6B-3-3, §6B-3-3a, and §6B-3-5 of said code, all relating to the Ethics Commission's rule-making

requirements; modifying the definition of lobbying; removing ability of commission to promulgate rule regarding registration of persons exempt from the act; removing requirement that lobbyist photograph specifications be established by rule; removing requirement that commission establish fee for lobbyist training by rule; and establishing that sponsors of grassroots lobbying campaigns report certain information on expenditures over \$5,000.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 483**—A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to bringing terms not defined in the Corporation Net Income Tax Act into conformity with the meaning of those terms for federal income tax purposes; and specifying effective dates.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 484**—A Bill to amend and reenact §18B-10-1a of the Code of West Virginia, 1931, as amended, relating to extending in-state tuition rates to all members and veterans of the National Guard, reserves, and armed forces, as well as their spouses and dependents, when they choose to move to West Virginia for the purpose of attending state institutions of higher education.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 485**—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, all relating to increasing annual salaries of certain employees of the state; increasing the salaries of members of the West Virginia State Police and certain personnel thereof; increasing annual salaries of

public school teachers; increasing annual salaries of school service personnel; and providing an effective date for these increases.

Referred to the Committee on Finance.

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 60**, Authorizing DOT to promulgate legislative rules.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Senate Bill 219**, Relating to Uniform Controlled Substances Act.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on January 16, 2024:

**Senate Bill 269:** Senator Stuart.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on January 16, 2024:

**Senate Bill 187:** Senator Woodrum;

**Senate Bill 188:** Senator Woodrum;

**Senate Bill 208:** Senators Deeds, Phillips, and Hamilton;

**Senate Bill 217:** Senator Deeds;

**Senate Bill 228:** Senators Rucker and Deeds;

**Senate Bill 240:** Senator Deeds;

- Senate Bill 253:** Senators Deeds and Martin;
- Senate Bill 264:** Senators Deeds, Tarr, and Barrett;
- Senate Bill 269:** Senator Woodrum;
- Senate Bill 280:** Senators Deeds, Tarr, and Azinger;
- Senate Bill 285:** Senator Hamilton;
- Senate Bill 289:** Senator Maynard;
- Senate Bill 293:** Senators Deeds and Phillips;
- Senate Bill 300:** Senator Phillips;
- Senate Bill 307:** Senator Woodrum;
- Senate Bill 310:** Senator Woodrum;
- Senate Bill 312:** Senator Woodrum;
- Senate Bill 321:** Senator Tarr;
- Senate Bill 322:** Senator Woodrum;
- Senate Bill 325:** Senator Woodrum;
- Senate Bill 326:** Senator Woodrum;
- Senate Bill 331:** Senator Woodrum;
- Senate Bill 342:** Senator Woodrum;
- Senate Bill 343:** Senator Woodrum;
- Senate Bill 347:** Senators Woelfel and Maynard;
- Senate Bill 354:** Senator Woodrum;
- Senate Bill 357:** Senator Woodrum;
- Senate Bill 377:** Senator Woelfel;
- Senate Bill 378:** Senator Woelfel;

**Senate Bill 400:** Senator Plymale;

**Senate Bill 414:** Senator Rucker;

**Senate Bill 415:** Senator Woelfel;

**Senate Bill 423:** Senators Rucker and Azinger;

**Senate Bill 438:** Senator Deeds;

**Senate Bill 457:** Senator Woelfel;

**Senate Bill 464:** Senator Woelfel;

**Senate Bill 466:** Senator Chapman;

**Senate Bill 471:** Senator Plymale;

**Senate Bill 472:** Senators Caputo and Rucker;

And,

**Senate Resolution 6:** Senator Woelfel.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:17 a.m., the Senate adjourned until tomorrow, Thursday, January 18, 2024, at 11 a.m.

---

## THURSDAY, JANUARY 18, 2024

The Senate met at 11:04 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Randy E. Smith, a senator from the fourteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patrick S. Martin, a senator from the twelfth district.

Pending the reading of the Journal of Wednesday, January 17, 2024,

At the request of Senator Swope, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Environmental Protection, Department of (Office of Oil and Gas Waiver Report) (§22-6A-2)

Motor Vehicles, Division of (Interlock Program) (§17C-5A-3a)

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 267**, Adding grievance and appellate procedures for individuals participating in DMV safety and treatment program.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 267** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-5A-3 and §17C-5A-3a of the Code of West Virginia, 1931, as amended, all relating generally to the Division of Motor Vehicles' Safety and Treatment Program and Alcohol and Drug Test and Lock Program, adding grievance and appellate procedures, and judicial review for individuals participating in, or who have participated in, the program; authorizing the Commissioner to promulgate an emergency rule; prohibiting minimum driving time, minimum mileage, and driving frequency requirements of Motor Vehicles'

Alcohol and Drug Test and Lock Program system, and further prohibiting removal of program participant for failure to meet such requirements; and directing the Commissioner to reinstate former program participants for failing to meet such requirements, at no cost to the program participant, upon participant's meeting specified criteria.

And,

**Senate Bill 335**, Modifying witness fee and mileage rate paid by state to match federal court system.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 335** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §59-1-16 of the Code of West Virginia, 1931, as amended, relating to increasing the daily fee and mileage rate paid to witnesses in the State of West Virginia.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The bills (Com. Sub. for S. B. 267 and 335), under the original double committee references, were then referred to the Committee on Finance.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 354**, Relating to the WV Advanced Energy and Economic Corridor Authority.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 354** (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-11-1, §5B-11-2, §5B-11-3, and §5B-11-4, all relating to creating the West Virginia Advanced Energy and Economic Corridor Authority; providing for legislative findings; appointing authority members; providing for terms of membership; providing for certain membership and meeting requirements; providing that members are not compensated; providing for certain powers and duties; and requiring annual reporting to the Joint Committee on Government and Finance.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Glenn D. Jeffries,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 399**, Creating crime of assault on a police dog.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 399** (originating in the Committee on the Judiciary)—A Bill to repeal §19-20-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3-27a, relating to police dogs and other public safety animals; creating offenses related to willfully causing physical injury, serious physical injury, or death to public safety animals; providing an exemption; defining terms; and establishing criminal penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 400**, Creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 400** (originating in the Committee on Economic Development)—A Bill to amend and reenact §24-2-11 of the Code of West Virginia, 1931, as amended, relating to creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Glenn D. Jeffries,  
*Chair.*

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

**Senate Bill 426**, WV Recreational Trails Development Act.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Senate Bill 439**, Authorizing certain 911 personnel to be members of Emergency Medical Services Retirement System under certain circumstances.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Eric Nelson, Jr.,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Pensions.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 462**, Updating definitions of certain terms used in Personal Income Tax Act.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 483**, Amending Corporation Net Income Tax Act.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Chapman:**

**Senate Bill 486**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §33-15-4x; to amend and reenact §33-16-3g of said code; to amend said code by adding thereto a new section, designated §33-16-3pp; to amend and reenact §33-24-7b of said code; to amend said code by adding thereto a new section, designated §33-24-7y; to amend said code by adding thereto a new section, designated §33-25-8v; and to amend said code by adding thereto a new section, designated §33-25A-8y, all relating to insurance coverage for annual breast cancer screening.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senators Rucker, Grady, and Stover:**

**Senate Bill 487**—A Bill to amend and reenact §18A-3-1 of the Code of West Virginia, 1931, as amended, relating to providing for periodic reviews of required professional development for teachers and education staff.

Referred to the Committee on Education.

**By Senators Karnes, Azinger, Chapman, Clements, Hunt, Martin, Maynard, Rucker, Smith, Stover, Stuart, and Taylor:**

**Senate Bill 488**—A Bill to amend and reenact §5-3-2 of the Code of West Virginia, 1931, as amended, relating to providing investigatory powers and non-exclusive prosecutorial authority over public integrity cases to the Attorney General.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 489**—A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to clarifying that there is no restriction on the lawful carrying of a deadly weapon, firearm, or pepper spray specifically on sidewalks and streets directly bordering and surrounding the State Capitol Complex grounds.

Referred to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Bill 490**—A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to clarifying municipal business and occupation taxation where business activity occurs in more than one location; defining terms to reflect the changing national economy; and authorizing the Tax Commissioner to promulgate any necessary regulations.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senator Woelfel:**

**Senate Bill 491**—A Bill to amend and reenact §16-59-1 and §16-59-2 of the Code of West Virginia, 1931, as amended, all relating to certification of recovery residences; providing for recovery residence certification and compliance; amending the definition of "recovery residence"; adding a new definition for "recovery support services"; and requiring that the Department of Health contract with certifying agencies for a voluntary certification program for drug-free and alcohol-free recovery residences based upon standards determined by the West Virginia Alliance for Recovery Residences, the National Alliance for Recovery Residences, or a similar entity recognized and approved by the department.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Takubo:**

**Senate Bill 492**—A Bill to amend and reenact §16-3-4a of the Code of West Virginia, 1931, as amended, relating to allowing influenza immunizations to be offered to patients and residents of specified facilities on a voluntary basis based upon recommendations of the Center for Disease Control.

Referred to the Committee on Health and Human Resources.

**By Senator Chapman:**

**Senate Bill 493**—A Bill to amend and reenact §21-1-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-1-24 of said code, all relating generally to the use of criminal records as disqualification from authorization to practice a profession or occupation by a board, authority, or other agency authorized to issue licenses, certifications, registrations, or other authorizations to engage in a particular profession or occupation.

Referred to the Committee on the Workforce; and then to the Committee on the Judiciary.

**By Senators Oliverio and Trump:**

**Senate Bill 494**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §36-3A-1, §36-3A-2, §36-3A-3, §36-3A-4, §36-3A-5, §36-3A-6, §36-

3A-7, §36-3A-8, and §36-3A-9, all relating to creating the Uniform Unlawful Restriction in Land Records Act.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

Senators Smith and Taylor offered the following resolution:

**Senate Concurrent Resolution 18**—Requesting the Division of Highways name bridge number 16-020/01-000.18 (16A044), (38.87673, -78.86634) locally known as Stanley See Bridge, carrying CR 20/01 over Lost River in Hardy County, the "Stanley W. and Evelyn C. See Memorial Bridge".

Which, under the rules, lies over one day.

Senators Nelson and Takubo offered the following resolution:

**Senate Concurrent Resolution 19**—Requesting the Division of Highways name bridge number 20-057/00-024.17 (20A137), (38.44920, -81.45593) locally known as Blue Creek Bridge, carrying CR 57 over Elk River in Kanawha County the "U. S. Army PFC Henry W. Baldwin Memorial Bridge".

Which, under the rules, lies over one day.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 60**, Authorizing DOT to promulgate legislative rules.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Senate Bill 219**, Relating to Uniform Controlled Substances Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 17**, Authorizing Department of Health to promulgate legislative rules.

**Com. Sub. for Senate Bill 31**, Authorizing Department of Human Services to promulgate legislative rules.

**Com. Sub. for Senate Bill 152**, Displaying official US motto in public schools.

**Com. Sub. for Senate Bill 217**, Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget.

**Senate Bill 240**, Increasing fees charged by sheriff.

**Senate Bill 264**, Reducing rates for legal advertising.

**Com. Sub. for Senate Bill 269**, Excluding test strips from definition of drug paraphernalia.

**Com. Sub. for Senate Bill 280**, Allowing teachers in public schools to discuss scientific theories.

**Com. Sub. for Senate Bill 293**, Creating the Glucagon for Schools Act.

**Com. Sub. for Senate Bill 300**, Relating to organization of Office of Inspector General.

And,

**Senate Bill 438**, Modifying roster requirements of authorizing entities.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Nelson.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:19 a.m., the Senate recessed until 2:30 p.m. today.

The Senate reconvened at 3:08 p.m.

(Senator Weld in the Chair.)

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4274**—A Bill to the amend and reenact §4-10-8 of the Code of West Virginia, 1931, to amend and reenact §5-1E-1 and §5-1E-2 of said code; to repeal §5-5-4 of said code; to amend and reenact §5-6-4 of said code; to amend and reenact §5-10C-3 of said code; to amended and reenact §5-14-3 and §5-14-5 of said code; to amend and reenact §5-16-2 and §5-16-18 of said code; to amend and reenact §5-16B-1, §5-16B-2, §5-16B-4 and §5-16B-10 of said code; to amend and reenact §5-26-1 of said code; to amend and reenact §5-29-2 of said code; to amend and reenact §5A-1A-2 of said code; to repeal §5A-2-34 of said code; to amend and reenact §5A-3-1a and §5A-3-3b of said code; to amend and reenact §5B-2-15, to amend and reenact §5F-1-2; to amend and reenact §6-7-2a of said code; to amend and reenact §7-1-3a of said code; to amend and reenact §7-4-4 of said code; to amend and reenact §7-10-2, to amend and reenact §8-19-21 of said code; to amend and reenact §8A-1-2 of said code; to amend and reenact §9-1-2 of said code; to amend and reenact §9-2-6a, §9-2-10 and §9-2-13 of said code; to repeal §9-2-9 of said code; to amend and reenact §9-3-4, §9-3-5 and §9-3-6 of said code; to amend and reenact §9-4A-2, §9-4A-2a, §9-4A-2b and §9-4A-4 of said code; to amend and reenact §9-4B-1 and §9-4B-4 of said code; to amend and reenact §9-4C-1, §9-4C-7 and §9-4C-8 of said code; to amend and reenact §9-4D-2 and §9-4D-9 of said code; to amend and reenact §9-5-5, §9-5-8b, §9-5-9, §9-5-11, §9-5-11a, §9-5-11b, §9-5-11c, §9-5-12a,

§9-5-15, §9-5-16a, §9-5-19, §9-5-26, §9-5-27, §9-5-29 and §9-5-30 of said code; to repeal §9-5-25 of said code; to amend and reenact §9-6-1, §9-6-2, §9-6-9, §9-6-11 and §9-6-16 of said code; to amend and reenact §9-7-1, §9-7-2, §9-7-3, §9-7-4, §9-7-5, §9-7-6, §9-7-6a and §9-7-8 of said code; to amend and reenact §9-8-1 of said code; to amend and reenact §9-9-3, §9-9-16 and §9-9-21 of said code; to amend and reenact §9-10-1, §9-10-2 and §9-10-3 of said code; to repeal §9-10-6 of said code; to amend and reenact §11-10-5u of said code; to amend and reenact §11-13I-3 of said code; to amend and reenact §11-27-3 and §11-27-30 of said code; to amend and reenact §11B-2-15 of said code; to amend and reenact §12-3-10e of said code; to amend and reenact §12-3A-4 and §12-3A-5 of said code; to amend and reenact §15-1E-76b of said code; to amend and reenact §15-1I-2 of said code; to amend and reenact §15-2-55 of said code; to amend and reenact §15-2C-1, §15-2C-2, §15-2C-4 and §15-2C-7 of said code; to amend and reenact §15-3D-3 of said code; to amend and reenact §15-12-2 of said code; to amend and reenact §15-13-2 and §15-13-5 of said code; to amend and reenact §15-14-5, §15-14-7 and §15-14-9 of said code; to amend and reenact §15A-4-11 and §15A-4-12 of said code; to amend and reenact §16-1-2 and §16-1-20 of said code; to amend and reenact §16-1A-1, §16-1A-2, §16-1A-3 and §16-1A-4 of said code; to amend and reenact §16-1C-1 and §16-1C-4 of said code; to amend and reenact §16-2-2 of said code; to amend and reenact §16-2B-1, §16-2B-2 and §16-2B-3 of said code; to amend and reenact §16-2D-2 and §16-2D-11 of said code; to amend and reenact §16-2H-2 of said code; to amend and reenact §16-3C-1 of said code; to amend and reenact §16-3D-2 of said code; to amend and reenact §16-4-1 of said code; to amend and reenact §16-4C-3, §16-4C-4 and §16-4C-24 of said code; to amend and reenact §16-4D-2 of said code; to amend and reenact §16-4E-2, §16-4E-4 and §16-4E-6 of said code; to amend and reenact §16-4F-1 and §16-4F-5 of said code; to amend and reenact §16-5-1 and §16-5-3 of said code; to amend and reenact §16-5A-5 of said code; to amend and reenact §16-5K-2, §16-5K-3, §16-5K-4 and §16-5K-6 of said code; to amend and reenact §16-5L-5, §16-5L-10, §16-5L-14 and §16-5L-15 of said code; to amend and reenact §16-5P-7 of said code; to amend and reenact §16-5Q-2 and §16-5Q-4 of said code; to amend and reenact §16-5R-3 and §16-5R-4 of said code; to

amend and reenact §16-5S-5 of said code; to amend and reenact §16-5T-2 and §16-5T-5 of said code; to amend and reenact §16-5CC-1 and §16-5CC-2 of said code; to amend and reenact §16-7-3 and §16-7-8 of said code; to amend and reenact §16-8-2 of said code; to amend and reenact §16-9A-7 of said code; to amend and reenact §16-22A-3 and §16-22A-4 of said code; to amend and reenact §16-22B-2 of said code; to amend and reenact §16-29B-2, §16-29B-3, §16-29B-5, §16-29B-12 and §16-29B-25 of said code; to amend and reenact §16-29D-3, §16-29D-7 and §16-29D-8 of said code; to amend and reenact §16-29G-1a, and §16-29G-2 of said code; to amend and reenact §16-30-8 and §16-30-25 of said code; to amend and reenact §16-30C-13 of said code; to amend and reenact §16-32-2 of said code; to amend and reenact §16-33-2 of said code; to amend and reenact §16-34-2, §16-34-3, §16-34-5, §16-34-6, §16-34-9 and §16-34-13 of said code; to amend and reenact §16-37-2 and §16-37-4 of said code; to amend and reenact §16-38-3 of said code; to amend and reenact §16-42-1 of said code; to amend and reenact §16-44-2 of said code; to amend and reenact §16-48-5 and §16-48-6 of said code; to amend and reenact §16-50-1, to amend and reenact §16-53-1, §16-53-2 and §16-53-3 of said code; to amend and reenact §16-57-3 and §16-57-4 of said code; to amend and reenact §16-59-1 of said code; to amend and reenact §16A-2-1 of said code; to amend and reenact §16A-4-3 of said code; to amend and reenact §16A-15-6 of said code; to amend and reenact §17-2C-4 of said code; to amend and reenact §17-4A-3 of said code; to amend and reenact §17-28-10 of said code; to amend and reenact §17C-15-26 of said code; to amend and reenact §18-2-5b, §18-2-9 and §18-2-13h of said code; to amend and reenact §18-2K-2 of said code; to amend and reenact §18-5-15c of said code; to amend and reenact §18-5-42 and §18-5-44 of said code; to amend and reenact §18-5D-4 of said code; to amend and reenact §18-7B-2 of said code; to amend and reenact §18-10K-1 of said code; to amend and reenact §18-10M-6 of said code; to amend and reenact §18-20-11 of said code; to amend and reenact §18-21-1, §18-21-2, §18-21-3 and §18-21-4 of said code; to amend and reenact §18A-2-8 of said code; to amend and reenact §18A-4-17 of said code; to amend and reenact §18B-10-7b of said code; to amend and reenact §18B-16-3 of said code; to amend and reenact §18C-3-1 of said code; to amend and reenact §19-1-7 of said code; to

amend and reenact §19-11E-1 and §19-11E-17 of said code; to amend and reenact §19-12A-1a, §19-12A-2, §19-12A-5 and §19-12A-6 of said code; to amend and reenact §19-29-1 and §19-29-3 of said code; to amend and reenact §19-30-2 of said code; to amend and reenact §19-34-5 of said code; to amend and reenact §20-5J-2, §20-5J-3 and §20-5J-5 of said code; to amend and reenact §20-5K-2, §20-5K-3 of said code; to amend and reenact §21A-6-16 and §21A-6-17 of said code; to amend and reenact §22-5-9 of said code; to amend and reenact §22-15A-10 of said code; to amend and reenact §22-18-6 and §22-18-7 of said code; to amend and reenact §22-30-21 of said code; to amend and reenact §22C-3-4 of said code; to amend and reenact §24-2A-5 of said code; to amend and reenact §24-2C-4 of said code; to amend and reenact §27-1-7 of said code; to amend and reenact §27-1A-4, §27-1A-6 and §27-1A-12 of said code; to amend and reenact §27-2-1 of said code; to amend and reenact §27-2A-1 of said code; to amend and reenact §27-5-1, §27-5-1b, §27-5-2, §27-5-4, §27-5-9 and §27-5-11 of said code; to amend and reenact §27-6A-1 and §27-6A-12 of said code; to amend and reenact §29-12-5 of said code; to amend and reenact §29-15-1, §29-15-5 and §29-15-6 of said code; to amend and reenact §29-20-1, §29-20-2, §29-20-3, §29-20-4 and §29-20-6 of said code; to amend and reenact §29-22A-19 of said code; to amend and reenact §29-30-8, §29-30-9 and §29-30-11 of said code; to amend and reenact §29-31-2 of said code; to amend and reenact §29-34-3 of said code; to amend and reenact §29-35-3 of said code; to amend and reenact §30-3-7 of said code; to amend and reenact §30-4-3 of said code; to amend and reenact §30-7B-4 of said code; to amend and reenact §30-30-16 and §30-30-30 of said code; to amend and reenact §31-15A-7 of said code; to amend and reenact §31A-2A-4 of said code; to amend and reenact §33-15B-3 of said code; to amend and reenact §33-25A-7b, §33-25A-9, §33-25A-17, §33-25A-18, §33-25A-27 and §33-25A-36 of said code; to amend and reenact §33-25B-6 of said code; to amend and reenact §33-25D-18, §33-25D-20 and §33-25D-29 of said code; to amend and reenact §33-46-18 of said code; to amend and reenact §33-54-2 of said code; to amend and reenact §33-55-1 of said code; to amend and reenact §33-56-1 of said code; to amend and reenact §33-59-1 of said code; to amend and reenact §44-16-3 of said code; to amend and reenact §44A-1-8, §44A-1-9 and §44A-1-15 of said code; to

amend and reenact §44A-2-2 of said code; to amend and reenact §44A-3-11 of said code; to amend and reenact §46A-6L-102 of said code; to amend and reenact §48-1-104, §48-1-206 and §48-1-236 of said code; to amend and reenact §48-2-701 and §48-2-702 of said code; to amend and reenact §48-9-209 of said code; to amend and reenact §48-11-105 of said code; to amend and reenact §48-14-102, §48-14-407, §48-14-413 and §48-14-414 of said code; to amend and reenact §48-17-101 and §48-17-102 of said code; to amend and reenact §48-18-101, §48-18-118 and §48-18-126 of said code; to amend and reenact §48-19-103 of said code; to amend and reenact §48-22-104 of said code; to amend and reenact §48-23-301 of said code; to amend and reenact §48-26-206, §48-26-301, §48-26-401, §48-26-402, §48-26-501, §48-26-502 and §48-26-801 of said code; to amend and reenact §48-27-206 of said code; to amend and reenact §49-1-104, §49-1-106, §49-1-202, §49-1-206 and §49-1-208 of said code; to amend and reenact §49-2-106, §49-2-110a, §49-2-111a, §49-2-125, §49-2-301, §49-2-302, §49-2-303, §49-2-401, §49-2-502, §49-2-503, §49-2-504, §49-2-604, §49-2-605, §49-2-701, §49-2-708, §49-2-802, §49-2-803, §49-2-804, §49-2-813, §49-2-814, §49-2-901, §49-2-903, §49-2-906, §49-2-913, §49-2-1001, §49-2-1002, §49-2-1003, §49-2-1004, §49-2-1005 and §49-2-1006 of said code; to amend and reenact §49-4-104, §49-4-108, §49-4-112, §49-4-114, §49-4-202, §49-4-203, §49-4-401, §49-4-402, §49-4-403, §49-4-408, §49-4-501, §49-4-704, §49-4-705, §49-4-706, §49-4-711, §49-4-726, §49-4-801 and §49-4-803 of said code; to amend and reenact §49-5-101 and §49-5-106 of said code; to amend and reenact §49-6-103, §49-6-105, §49-6-110, §49-6-113 and §49-6-116 of said code; to amend and reenact §49-7-102, §49-7-201, §49-7-202 and §49-7-204 of said code; to amend and reenact §49-8-1 of said code; to amend and reenact §51-2A-21 of said code; to amend and reenact §53-8-17 of said code; to amend and reenact §55-7B-9c of said code; to amend and reenact §55-19-3 of said code; to amend and reenact §60A-9-5 and §60A-9-8 of said code; to amend and reenact §60A-11-1, §60A-11-2 and §60A-11-3 of said code; to amend and reenact §61-2-14a, §61-2-14h and §61-2-29b of said code; to amend and reenact §61-7A-3 and §61-7A-4 of said code; to amend and reenact §61-8D-3 and §61-8D-4 of said code; to amend and reenact §61-11-26a of said code; to amend and reenact §61-11A-6

of said code; to amend and reenact §61-12-12 of said code; to amend and reenact §61-14-7 of said code; to amend and reenact §62-1D-2 of said code; to amend and reenact §62-12-2 of said code; to amend and reenact §62-15B-1; all relating to renaming the Department of Health and Human Resources.

At the request of Senator Takubo, unanimous consent being granted, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Taylor, Trump, Weld, and Woodrum—25.

The nays were: None.

Absent: Boley, Jeffries, Maroney, Plymale, Queen, Stover, Tarr, Woelfel, and Blair (Mr. President)—9.

The bill (Eng. H. B. 4274) was read a second time.

On motion of Senator Maroney, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 66, by removing the provisions of §9-2-13 in its entirety;

On page 90, by removing the provisions of §9-5-5 in its entirety;

On page 90, by removing the provisions of §9-5-8b in its entirety;

On page 111, line 16, by striking the words "health and";

On page 145, by striking the provisions of §12-3-10e, and inserting a new §12-3-10e to read as follows:

**§12-3-10e. Purchasing Card Advisory Committee created; purpose; membership; expenses.**

There is created a Purchasing Card Advisory Committee to enhance the development and implementation of the purchasing card program. The committee shall solicit input from state agencies and make recommendations to improve the performance of the Purchasing Card Program. The committee consists of fourteen members to be appointed as follows:

(1) The Auditor shall serve as chairperson of the committee and shall appoint four members from the state College System of West Virginia and the University System of West Virginia, one member from the Department of ~~Health and Human Resources~~ Services one member from the Division of Highways and two additional members at large from any state agency;

(2) The Secretary of the Department of Administration shall appoint one member from the Information Services and Communications Division, one member from the Financial Accounting and Reporting Section and one member from the Purchasing Division;

(3) The Secretary of the Department of Revenue shall appoint one member from the Department of Revenue; and

(4) The State Treasurer shall appoint one member from that office. Committee members shall be appointed for a term of one year, commencing on July 1, 1998. Committee members shall receive reimbursement for expenses actually incurred in the performance of their duties on the committee.;

On page 175, line 8, striking the word, "division" and inserting the word, "department";

On page 198, line 14, by striking the period and inserting the words, "of their general plan of operation of such programs.";

On page 316, by removing the provisions §17-2C-4 in its entirety;

On page 490, by striking out all of §29-34-3 in its entirety;

On page 491, by striking out all of §29-35-3 in its entirety;

On page 531, by striking §33-59-1 in its entirety and inserting a new §33-59-1 to read as follows:

**§ 33-59-1. Cost sharing in prescription insulin drugs.**

(a) Findings. —

(1) It is estimated that over 240,000 West Virginians are diagnosed and living with type 1 or type 2 diabetes and another 65,000 are undiagnosed;

(2) Every West Virginian with type 1 diabetes and many with type 2 diabetes rely on daily doses of insulin to survive;

(3) The annual medical cost related to diabetes in West Virginia is estimated at \$2.5 billion annually;

(4) Persons diagnosed with diabetes will incur medical costs approximately 2.3 times higher than persons without diabetes;

(5) The cost of insulin has increased astronomically, especially the cost of insurance copayments, which can exceed \$600 per month. Similar increases in the cost of diabetic equipment and supplies, and insurance premiums have resulted in out-of-pocket costs for many West Virginia diabetics in excess of \$1,000 per month;

(6) National reports indicate as many as one in four type 1 diabetics underuse, or ration, insulin due to these increased costs. Rationing insulin has resulted in nerve damage, diabetic comas, amputation, kidney damage, and even death; and

(7) It is important to enact policies to reduce the costs for West Virginians with diabetes to obtain life-saving and life-sustaining insulin.

(b) As used in this section:

"Cost-sharing payment" means the total amount a covered person is required to pay at the point of sale in order to receive a prescription drug that is covered under the covered person's health plan.

"Covered person" means a policyholder, subscriber, participant, or other individual covered by a health plan.

"Device" means a blood glucose test strip, glucometer, continuous glucose monitor (CGM), lancet, lancing device, or insulin syringe used to cure, diagnose, mitigate, prevent, or treat diabetes or low blood sugar, but does not include insulin pumps;

"Health plan" means any health benefit plan, as defined in §33-16-1a(h) of this code, that provides coverage for a prescription insulin drug.

"Pharmacy benefits manager" means an entity that engages in the administration or management of prescription drug benefits provided by an insurer for the benefit of its covered persons.

"Prescription insulin drug" means a prescription drug that contains insulin and is used to treat diabetes.

(c) Each health plan shall cover at least one type of insulin in all the following categories:

- (1) Rapid-acting;
- (2) Short-acting;
- (3) Intermediate-acting;
- (4) Long-acting;
- (5) Pre-mixed insulin products;
- (6) Pre-mixed insulin/GLP-1 RA products; and
- (7) Concentrated human regular insulin.

(d) Notwithstanding the provisions of §33-1-1 et seq. of this code, an insurer subject to §33-15-1 et seq., §33-16-1 et seq., §33-24-1 et seq., §33-25-1 et seq., and §33-25A-1 et seq. of this code which issues or renews a health insurance policy on or after January 1, 2023, shall provide coverage for prescription insulin drugs and equipment pursuant to this section.

(e) Cost sharing for a 30-day supply of a covered prescription insulin drug may not exceed \$35 in aggregate, including situations where the covered person is prescribed more than one insulin drug, per 30-day supply, regardless of the amount or type of insulin needed to fill such covered person's prescription. Cost sharing for a 30-day supply of covered device(s) may not exceed \$100 in aggregate, including situations where the covered person is prescribed more than one device, per 30-day supply. Each cost-share maximum is covered regardless of the person's deductible, copayment, coinsurance or any other cost-sharing requirement.

(f) Nothing in this section prevents an insurer from reducing a covered person's cost sharing to an amount less than the amount specified in subsection (e) of this section.

(g) No contract between an insurer subject to §33-15-1 et seq., §33-16-1 et seq., §33-24-1 et seq., §33-25-1 et seq., and §33-25A-1 et seq. of this code or its pharmacy benefits manager and a pharmacy or its contracting agent may contain a provision: (i) Authorizing the insurer's pharmacy benefits manager or the pharmacy to charge; (ii) requiring the pharmacy to collect; or (iii) requiring a covered person to make a cost-sharing payment for a covered prescription insulin drug in an amount that exceeds the amount of the cost-sharing payment for the covered prescription insulin drug established by the insurer pursuant to subsection (e) of this section.

(h) An insurer subject to §33-15-1 et seq., §33-16-1 et seq., §33-24-1 et seq., §33-25-1 et seq., and §33-25A-1 et seq. of this code shall provide coverage for the following equipment and supplies for the treatment and/or management of diabetes for both insulin-dependent and non-insulin-dependent persons with diabetes and those with gestational diabetes: Blood glucose

monitors, monitor supplies, insulin, injection aids, syringes, insulin infusion devices, pharmacological agents for controlling blood sugar, and orthotics.

(i) An insurer subject to §33-15-1 et seq., §33-16-1 et seq., §33-24-1 et seq., §33-25-1 et seq., and §33-25A-1 et seq. of this code shall include coverage for diabetes self-management education to ensure that persons with diabetes are educated as to the proper self-management and treatment of their diabetes, including information on proper diets.

(j) All health care plans must offer an appeals process for persons who are not able to take one or more of the offered prescription insulin drugs noted in subsection (c) of this section. The appeals process shall be provided to covered persons in writing and afford covered persons and their health care providers a meaningful opportunity to participate with covered persons health care providers.

(k) Diabetes self-management education shall be provided by a health care practitioner who has been appropriately trained. The Secretary of the Department of Health and Human Resources shall promulgate legislative rules to implement training requirements and procedures necessary to fulfill provisions of this subsection: Provided, That any rules promulgated by the secretary shall be done after consultation with the Coalition for Diabetes Management, as established in §16-5Z-1 et seq. of this code.

(l) A pharmacy benefits manager, a health plan, or any other third party that reimburses a pharmacy for drugs or services shall not reimburse a pharmacy at a lower rate and may not assess any fee, charge-back, or adjustment upon a pharmacy on the basis that a covered person's costs sharing is being impacted.

(m) A prescription is not required to obtain a blood testing kit for ketones.";

On page 596, line 39, by striking paragraph (C) in its entirety and moving it to line 30 after paragraph (B);

On page 597, by striking §49-2-111a in its entirety and inserting a new §49-2-111a to read as follows:

**§49-2-111a. Performance based contracting for child placing agencies.**

(a) For purposes of this section:

(1) "Child" means:

(A) A person of less than 18 years of age; or

(B) A person 18 to 21 years of age who is eligible to receive the extended foster care services.

(2) "Child-placing agency" means an agency licensed by the department to place a child in a foster care home.

(3) "Department" means the Department of ~~Health and Human Resources~~ Services.

(4) "Evidence-based" means a program or practice that is cost-effective and includes at least two randomized or statistically controlled evaluations that have demonstrated improved outcomes for its intended population.

(5) "Performance-based contracting" means structuring all aspects of the service contract around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes and linking payment for services to contractor performance.

(6) "Promising practice" means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(7) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(b) No later than July 1, 2021, the department shall enter into performance-based contracts with child placing agencies.

(c) The department shall actively consult with other state agencies and other entities with expertise in performance-based contracting with child placing agencies to develop the requirements of the performance-based contract.

(d) The performance-based contract shall be developed and implemented in a manner that complies with applicable provisions of this code. Contracts for child placing agencies are exempt from §5A-3-1 of this code.

(e) The resulting contracts shall include, but are not limited to, the following:

(1) Adequate capacity to meet the anticipated service needs in the contracted service area of the child placing agency;

(2) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(3) Child placing agency data reporting, including data on performance and service outcomes, including, but not limited to:

(A) Safety outcomes;

(B) Permanency outcomes;

(C) Well-being outcomes;

(D) Incentives earned;

(E) Placement of older children;

(F) Placement of children with special needs; and

(G) Recruitment and retention of foster parents; and

(4) A hold harmless period to determine a baseline for evaluation.

(f) Performance-based payment methodologies must be used in child placing agency contracting. Performance measures should relate to successful engagement by a child or parent in services included in their case plan, and resulting improvement in identified problem behaviors and interactions. For the first year of implementation of performance-based contracting, the department may transfer financial risk for the provision of services to the child placing agency only to the limited extent necessary to implement a performance-based payment methodology, such as phased payment for services. However, the department may develop a shared savings methodology through which the child placing agency will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the child placing agency shall reinvest the savings in enhanced services to better meet the needs of the families and children they serve.

(g) The department shall actively monitor the child placing agency's compliance with the terms of contracts executed under this section.

(h) The use of performance-based contracts under this section shall be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

(i) The department shall pay child placing agencies contracted to provide adoption services to foster families a minimum of \$1,000 per child for each adoption finalized.

(j) The rate of payment to foster parents and child placing agencies shall be reviewed by the department, at a minimum of every two years, to determine whether the level of foster care payments facilitates or hinders the efficient placement of foster children with West Virginia families. The department shall remit

payments to foster parents on the same week each month to facilitate foster parents' ability to budget and appropriately expend payments for the benefit of the children in their custody.

(k) The department shall report the performance of the child placing agency to the Legislative Oversight Commission on Health and Human Resources Accountability by December 31, annually.";

On page 609, line 76, by striking the words "Department of Health and Human Resources" and inserting in lieu thereof, "Department of Human Services";

On page 673, line 3, by striking the word, "division" and inserting the word, "Department";

And,

On page 675, by striking §49-8-1 in its entirety and inserting a new §49-8-1 to read as follows:

**§49-8-1. Legislative findings; statement of legislative purpose.**

(a) In certain circumstances where a parent, or legal custodian of a child is temporarily unable to care for the child due to a crisis or other circumstances, a less intrusive the Legislature finds that alternative to guardianship or the Department of ~~Health and Human Resources~~ Services taking custody of the child should be available. In such circumstances, a parent, or legal custodian may benefit from the assistance of charitable organizations in their community that assist families by providing safe, temporary care for children and support for families during difficult times.

(b) Accordingly, the Legislature finds that a parent, or legal guardian shall have the right to provide for the temporary care of their child with the assistance of qualified charitable organizations as outlined in this code.

The bill, as amended, was then ordered to third reading.

Engrossed House Bill 4274 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Taylor, Trump, Weld, and Woodrum—26.

The nays were: None.

Absent: Boley, Jeffries, Maroney, Plymale, Stover, Tarr, Woelfel, and Blair (Mr. President)—8.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4274) passed.

On motion of Senator Maroney, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. House Bill 4274**—A Bill to the amend and reenact §4-10-8 of the Code of West Virginia, 1931, to amend and reenact §5-1E-1 and §5-1E-2 of said code; to repeal §5-5-4 of said code; to amend and reenact §5-6-4 of said code; to amend and reenact §5-10C-3 of said code; to amended and reenact §5-14-3 and §5-14-5 of said code; to amend and reenact §5-16-2 and §5-16-18 of said code; to amend and reenact §5-16B-1, §5-16B-2, §5-16B-4 and §5-16B-10 of said code; to amend and reenact §5-26-1 of said code; to amend and reenact §5-29-2 of said code; to amend and reenact §5A-1A-2 of said code; to repeal §5A-2-34 of said code; to amend and reenact §5A-3-1a and §5A-3-3b of said code; to amend and reenact §5B-2-15, to amend and reenact §5F-1-2; to amend and reenact §6-7-2a of said code; to amend and reenact §7-1-3a of said code; to amend and reenact §7-4-4 of said code; to amend and reenact §7-10-2, to amend and reenact §8-19-21 of said code; to amend and reenact §8A-1-2 of said code; to amend and reenact §9-1-2 of said code; to amend and reenact §9-2-6a, and §9-2-10 of said code; to repeal §9-2-9 of said code; to amend and reenact §9-3-4, §9-3-5 and §9-3-6 of said code; to amend and reenact §9-4A-2, §9-4A-2a, §9-4A-2b and §9-4A-4 of said code; to amend and reenact §9-4B-1 and §9-4B-4 of said code; to amend and reenact §9-4C-1, §9-4C-7 and §9-4C-8 of said code; to amend and reenact §9-4D-2 and §9-4D-9 of said code; to amend and reenact §9-5-9, §9-5-11, §9-5-11a, §9-5-11b, §9-5-11c, §9-5-12a, §9-5-15, §9-5-16a, §9-5-19, §9-5-26, §9-5-27, §9-5-29 and §9-

5-30 of said code; to repeal §9-5-25 of said code; to amend and reenact §9-6-1, §9-6-2, §9-6-9, §9-6-11 and §9-6-16 of said code; to amend and reenact §9-7-1, §9-7-2, §9-7-3, §9-7-4, §9-7-5, §9-7-6, §9-7-6a and §9-7-8 of said code; to amend and reenact §9-8-1 of said code; to amend and reenact §9-9-3, §9-9-16 and §9-9-21 of said code; to amend and reenact §9-10-1, §9-10-2 and §9-10-3 of said code; to repeal §9-10-6 of said code; to amend and reenact §11-10-5u of said code; to amend and reenact §11-13I-3 of said code; to amend and reenact §11-27-3 and §11-27-30 of said code; to amend and reenact §11B-2-15 of said code; to amend and reenact §12-3-10e of said code; to amend and reenact §12-3A-4 and §12-3A-5 of said code; to amend and reenact §15-1E-76b of said code; to amend and reenact §15-1I-2 of said code; to amend and reenact §15-2-55 of said code; to amend and reenact §15-2C-1, §15-2C-2, §15-2C-4 and §15-2C-7 of said code; to amend and reenact §15-3D-3 of said code; to amend and reenact §15-12-2 of said code; to amend and reenact §15-13-2 and §15-13-5 of said code; to amend and reenact §15-14-5, §15-14-7 and §15-14-9 of said code; to amend and reenact §15A-4-11 and §15A-4-12 of said code; to amend and reenact §16-1-2 and §16-1-20 of said code; to amend and reenact §16-1A-1, §16-1A-2, §16-1A-3 and §16-1A-4 of said code; to amend and reenact §16-1C-1 and §16-1C-4 of said code; to amend and reenact §16-2-2 of said code; to amend and reenact §16-2B-1, §16-2B-2 and §16-2B-3 of said code; to amend and reenact §16-2D-2 and §16-2D-11 of said code; to amend and reenact §16-2H-2 of said code; to amend and reenact §16-3C-1 of said code; to amend and reenact §16-3D-2 of said code; to amend and reenact §16-4-1 of said code; to amend and reenact §16-4C-3, §16-4C-4 and §16-4C-24 of said code; to amend and reenact §16-4D-2 of said code; to amend and reenact §16-4E-2, §16-4E-4 and §16-4E-6 of said code; to amend and reenact §16-4F-1 and §16-4F-5 of said code; to amend and reenact §16-5-1 and §16-5-3 of said code; to amend and reenact §16-5A-5 of said code; to amend and reenact §16-5K-2, §16-5K-3, §16-5K-4 and §16-5K-6 of said code; to amend and reenact §16-5L-5, §16-5L-10, §16-5L-14 and §16-5L-15 of said code; to amend and reenact §16-5P-7 of said code; to amend and reenact §16-5Q-2 and §16-5Q-4 of said code; to amend and reenact §16-5R-3 and §16-5R-4 of said code; to amend and reenact §16-5S-5 of said code; to amend and reenact §16-5T-2 and §16-5T-5 of said code; to amend and reenact §16-5CC-1 and §16-5CC-2 of said code; to amend and reenact §16-7-3 and §16-7-8 of said code; to amend and reenact §16-8-2 of said code; to amend

and reenact §16-9A-7 of said code; to amend and reenact §16-22A-3 and §16-22A-4 of said code; to amend and reenact §16-22B-2 of said code; to amend and reenact §16-29B-2, §16-29B-3, §16-29B-5, §16-29B-12 and §16-29B-25 of said code; to amend and reenact §16-29D-3, §16-29D-7 and §16-29D-8 of said code; to amend and reenact §16-29G-1a, and §16-29G-2 of said code; to amend and reenact §16-30-8 and §16-30-25 of said code; to amend and reenact §16-30C-13 of said code; to amend and reenact §16-32-2 of said code; to amend and reenact §16-33-2 of said code; to amend and reenact §16-34-2, §16-34-3, §16-34-5, §16-34-6, §16-34-9 and §16-34-13 of said code; to amend and reenact §16-37-2 and §16-37-4 of said code; to amend and reenact §16-38-3 of said code; to amend and reenact §16-42-1 of said code; to amend and reenact §16-44-2 of said code; to amend and reenact §16-48-5 and §16-48-6 of said code; to amend and reenact §16-50-1, to amend and reenact §16-53-1, §16-53-2 and §16-53-3 of said code; to amend and reenact §16-57-3 and §16-57-4 of said code; to amend and reenact §16-59-1 of said code; to amend and reenact §16A-2-1 of said code; to amend and reenact §16A-4-3 of said code; to amend and reenact §16A-15-6 of said code; to amend and reenact §17-4A-3 of said code; to amend and reenact §17-28-10 of said code; to amend and reenact §17C-15-26 of said code; to amend and reenact §18-2-5b, §18-2-9 and §18-2-13h of said code; to amend and reenact §18-2K-2 of said code; to amend and reenact §18-5-15c of said code; to amend and reenact §18-5-42 and §18-5-44 of said code; to amend and reenact §18-5D-4 of said code; to amend and reenact §18-7B-2 of said code; to amend and reenact §18-10K-1 of said code; to amend and reenact §18-10M-6 of said code; to amend and reenact §18-20-11 of said code; to amend and reenact §18-21-1, §18-21-2, §18-21-3 and §18-21-4 of said code; to amend and reenact §18A-2-8 of said code; to amend and reenact §18A-4-17 of said code; to amend and reenact §18B-10-7b of said code; to amend and reenact §18B-16-3 of said code; to amend and reenact §18C-3-1 of said code; to amend and reenact §19-1-7 of said code; to amend and reenact §19-11E-1 and §19-11E-17 of said code; to amend and reenact §19-12A-1a, §19-12A-2, §19-12A-5 and §19-12A-6 of said code; to amend and reenact §19-29-1 and §19-29-3 of said code; to amend and reenact §19-30-2 of said code; to amend and reenact §19-34-5 of said code; to amend and reenact §20-5J-2, §20-5J-3 and §20-5J-5 of said code; to amend and reenact §20-5K-2, §20-5K-3 of said code; to amend and reenact §21A-6-16 and §21A-6-17 of said code; to amend and reenact §22-5-9 of said code;

to amend and reenact §22-15A-10 of said code; to amend and reenact §22-18-6 and §22-18-7 of said code; to amend and reenact §22-30-21 of said code; to amend and reenact §22C-3-4 of said code; to amend and reenact §24-2A-5 of said code; to amend and reenact §24-2C-4 of said code; to amend and reenact §27-1-7 of said code; to amend and reenact §27-1A-4, §27-1A-6 and §27-1A-12 of said code; to amend and reenact §27-2-1 of said code; to amend and reenact §27-2A-1 of said code; to amend and reenact §27-5-1, §27-5-1b, §27-5-2, §27-5-4, §27-5-9 and §27-5-11 of said code; to amend and reenact §27-6A-1 and §27-6A-12 of said code; to amend and reenact §29-12-5 of said code; to amend and reenact §29-15-1, §29-15-5 and §29-15-6 of said code; to amend and reenact §29-20-1, §29-20-2, §29-20-3, §29-20-4 and §29-20-6 of said code; to amend and reenact §29-22A-19 of said code; to amend and reenact §29-30-8, §29-30-9 and §29-30-11 of said code; to amend and reenact §29-31-2 of said code; to amend and reenact §30-3-7 of said code; to amend and reenact §30-4-3 of said code; to amend and reenact §30-7B-4 of said code; to amend and reenact §30-30-16 and §30-30-30 of said code; to amend and reenact §31-15A-7 of said code; to amend and reenact §31A-2A-4 of said code; to amend and reenact §33-15B-3 of said code; to amend and reenact §33-25A-7b, §33-25A-9, §33-25A-17, §33-25A-18, §33-25A-27 and §33-25A-36 of said code; to amend and reenact §33-25B-6 of said code; to amend and reenact §33-25D-18, §33-25D-20 and §33-25D-29 of said code; to amend and reenact §33-46-18 of said code; to amend and reenact §33-54-2 of said code; to amend and reenact §33-55-1 of said code; to amend and reenact §33-56-1 of said code; to amend and reenact §33-59-1 of said code; to amend and reenact §44-16-3 of said code; to amend and reenact §44A-1-8, §44A-1-9 and §44A-1-15 of said code; to amend and reenact §44A-2-2 of said code; to amend and reenact §44A-3-11 of said code; to amend and reenact §46A-6L-102 of said code; to amend and reenact §48-1-104, §48-1-206 and §48-1-236 of said code; to amend and reenact §48-2-701 and §48-2-702 of said code; to amend and reenact §48-9-209 of said code; to amend and reenact §48-11-105 of said code; to amend and reenact §48-14-102, §48-14-407, §48-14-413 and §48-14-414 of said code; to amend and reenact §48-17-101 and §48-17-102 of said code; to amend and reenact §48-18-101, §48-18-118 and §48-18-126 of said code; to amend and reenact §48-19-103 of said code; to amend and reenact §48-22-104 of said code; to amend and reenact §48-23-301 of said code; to amend and reenact §48-26-206, §48-26-

301, §48-26-401, §48-26-402, §48-26-501, §48-26-502 and §48-26-801 of said code; to amend and reenact §48-27-206 of said code; to amend and reenact §49-1-104, §49-1-106, §49-1-202, §49-1-206 and §49-1-208 of said code; to amend and reenact §49-2-106, §49-2-110a, §49-2-111a, §49-2-125, §49-2-301, §49-2-302, §49-2-303, §49-2-401, §49-2-502, §49-2-503, §49-2-504, §49-2-604, §49-2-605, §49-2-701, §49-2-708, §49-2-802, §49-2-803, §49-2-804, §49-2-813, §49-2-814, §49-2-901, §49-2-903, §49-2-906, §49-2-913, §49-2-1001, §49-2-1002, §49-2-1003, §49-2-1004, §49-2-1005 and §49-2-1006 of said code; to amend and reenact §49-4-104, §49-4-108, §49-4-112, §49-4-114, §49-4-202, §49-4-203, §49-4-401, §49-4-402, §49-4-403, §49-4-408, §49-4-501, §49-4-704, §49-4-705, §49-4-706, §49-4-711, §49-4-726, §49-4-801 and §49-4-803 of said code; to amend and reenact §49-5-101 and §49-5-106 of said code; to amend and reenact §49-6-103, §49-6-105, §49-6-110, §49-6-113 and §49-6-116 of said code; to amend and reenact §49-7-102, §49-7-201, §49-7-202 and §49-7-204 of said code; to amend and reenact §49-8-1 of said code; to amend and reenact §51-2A-21 of said code; to amend and reenact §53-8-17 of said code; to amend and reenact §55-7B-9c of said code; to amend and reenact §55-19-3 of said code; to amend and reenact §60A-9-5 and §60A-9-8 of said code; to amend and reenact §60A-11-1, §60A-11-2 and §60A-11-3 of said code; to amend and reenact §61-2-14a, §61-2-14h and §61-2-29b of said code; to amend and reenact §61-7A-3 and §61-7A-4 of said code; to amend and reenact §61-8D-3 and §61-8D-4 of said code; to amend and reenact §61-11-26a of said code; to amend and reenact §61-11A-6 of said code; to amend and reenact §61-12-12 of said code; to amend and reenact §61-14-7 of said code; to amend and reenact §62-1D-2 of said code; to amend and reenact §62-12-2 of said code; to amend and reenact §62-15B-1; all relating to renaming the Department of Health and Human Resources.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Taylor, Trump, Weld, and Woodrum—26.

The nays were: None.

Absent: Boley, Jeffries, Maroney, Plymale, Stover, Tarr, Woelfel, and Blair (Mr. President)—8.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4274) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on January 17, 2024:

**Senate Bill 192:** Senator Taylor;

**Senate Bill 196:** Senators Takubo and Taylor;

**Senate Bill 197:** Senator Taylor;

**Com. Sub. for Senate Bill 253:** Senator Queen;

**Senate Bill 267:** Senator Deeds;

**Senate Bill 269:** Senators Hunt and Woelfel;

**Senate Bill 321:** Senator Smith;

**Senate Bill 323:** Senator Smith;

**Senate Bill 328:** Senator Smith;

**Senate Bill 335:** Senator Woelfel;

**Senate Bill 347:** Senator Smith;

**Senate Bill 397:** Senator Smith;

**Senate Bill 399:** Senators Takubo, Phillips, Taylor, Barrett, Rucker, and Hamilton;

**Senate Bill 426:** Senator Takubo;

**Senate Bill 439:** Senators Takubo and Deeds;

**Senate Bill 441:** Senator Woelfel;

**Senate Bill 443:** Senator Woelfel;

**Senate Bill 446:** Senator Woelfel;

**Senate Bill 448:** Senator Smith;

**Senate Bill 449:** Senator Woelfel;

**Senate Bill 454:** Senator Woelfel;

**Senate Bill 475:** Senators Woelfel and Takubo;

**Senate Bill 476:** Senators Smith and Phillips;

**Senate Bill 477:** Senator Woelfel;

**Senate Bill 478:** Senator Takubo;

**Senate Bill 479:** Senator Woelfel;

And,

**Senate Joint Resolution 5:** Senator Nelson.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 3:13 p.m., the Senate adjourned until tomorrow, Friday, January 19, 2024, at 11 a.m.

---

FRIDAY, JANUARY 19, 2024

The Senate met at 11 a.m.

(Senator Blair, Mr. President, in the Chair.)

A State of Emergency in all 55 counties, due to a significant winter storm event, having been declared by His Excellency, the

Governor, the Honorable Jim Justice, the President declared the absence of a quorum.

At the request of Senator Takubo, unanimous consent being granted, at 11 a.m., the Senate adjourned until Monday, January 22, 2024, at 11 a.m.

---

## MONDAY, JANUARY 22, 2024

The Senate met at 11 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Bill Hamilton, a senator from the eleventh district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael T. Azinger, a senator from the third district.

Pending the reading of the Journals of Thursday, January 18, 2024, and Friday, January 19, 2024,

At the request of Senator Azinger, unanimous consent being granted, the Journals were approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2024, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4190**—A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new article, designated §15-3F-1, §15-3F-2, §15-3F-3, §15-3F-4, §15-3F-5, §15-3F-6, and §15-3F-7 of said code, all relating to the

establishment of an alert system for missing cognitively impaired persons; providing legislative findings; defining cognitive disability; providing for the establishment of a Purple Alert Plan; providing criteria for the activation of a Purple Alert; providing for notice and broadcasting of a Purple Alert; and providing immunity for individuals providing information pursuant to a Purple Alert in good faith.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2024, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4252**—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated as §48-28B-1, §48-28B-2, §48-28B-3, §48-28B-4, and §48-28B-5, all relating to establishing a process to recognize and enforce Canadian domestic violence protective orders, short title, definitions, enforcement of Canadian domestic violence protective orders by law enforcement, enforcement of Canadian domestic violence protective orders by a court, and registration of a Canadian domestic violence protective order.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4433**—A Bill to amend and reenact §16-2D-11 of the Code of West Virginia, 1931, as amended, relating to exempting the acquisition and utilization of a mobile facility which performs mammography or low density computerized tomography.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

**Senate Bill 196, WV Rail Trails Program.**

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 196** (originating in the Committee on Outdoor Recreation)—A Bill to amend and reenact §5B-1A-1, §5B-1A-2, §5B-1A-3, §5B-1A-4, §5B-1A-5, §5B-1A-6, §5B-1A-7, §5B-1A-8, and §5B-1A-9 of the Code of West Virginia, 1931, as amended, all relating to establishing the West Virginia Rail Trails Program consisting of rail-to-trail and rail with trail programs; updating definitions to include a definition of "rail with trail"; expanding State Rail Authority to acquire railroad rights-of-way and land for both trail programs; clarifying that rail-to-trail program may not unreasonably limit ability to restore rail service on railroad rights-of-way; and expanding limitation of, and exception to, liability to railroad owners under certain circumstances.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

At the request of Senator Trump, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Outdoor Recreation.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 228**, Requiring medically necessary care and treatment to address congenital anomalies associated with cleft lip and cleft palate.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 259**, Requiring Higher Education Policy Commission to create and administer PROMISE Plus Program.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 262**, Clarifying procedure for administrative dissolution of corporations by Secretary of State.

**Senate Bill 428**, Establishing appeals from administrative rulings are to be filed with Intermediate Court of Appeals.

And,

**Senate Bill 430**, WV Rent-to-Own Act.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 357**, Permitting dental hygienist to perform tobacco cessation education.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 448**, Requiring age-appropriate instruction on Holocaust in public schools.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 450**, Requiring photo ID on EBT cards.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 450** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §9-8-5 of the Code of West Virginia, 1931, as amended, relating to requiring a photograph of the user on EBT cards.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 450) contained in the foregoing report from the Committee on Health and Human Resources was then referred to the Committee on Finance.

At the request of Senator Maynard, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills and joint resolutions were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Trump:**

**Senate Bill 495**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-21, relating to prohibiting racial discrimination based on certain hair textures and hairstyles.

Referred to the Committee on the Judiciary.

**By Senator Caputo:**

**Senate Bill 496**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-22, relating to prohibiting racial discrimination based on certain hair textures and hairstyles.

Referred to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 497**—A Bill to amend and reenact §37-6-9 of the Code of West Virginia, 1931, as amended, relating to proscribing rent control.

Referred to the Committee on Government Organization.

**By Senator Chapman:**

**Senate Bill 498**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-34, relating to correlating the Medicaid personal needs allowance with the state poverty index.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Chapman:**

**Senate Bill 499**—A Bill to amend and reenact §30-1-26 of the Code of West Virginia, 1931, as amended; and to amend and

reenact §30-3-13 and §30-3-13a of said code, all relating to permitting medical providers outside the State of West Virginia to practice telehealth and telemedicine in West Virginia, as was previously permitted under the COVID-19 state of emergency.

Referred to the Committee on Health and Human Resources.

**By Senators Weld, Caputo, Deeds, Hamilton, Rucker, Stover, Takubo, Taylor, and Woodrum:**

**Senate Bill 500**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, and §46A-6O-4, all relating to creating the Telephone Consumer Protection Act; providing definitions, exclusions, and prohibitions; and listing violations of this act.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 501**—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating and defining the felony offense of cruelty to animals; modifying and clarifying applicability; defining terms; and creating criminal penalties.

Referred to the Committee on the Judiciary.

**By Senators Oliverio, Boley, Grady, Martin, and Weld:**

**Senate Bill 502**—A Bill to amend and reenact §18A-4-10a of the Code of West Virginia, 1931, as amended, relating to providing persons who first became a member of the Teachers Retirement System on or after July 1, 2015, the opportunity to sell up to 10 of his or her unused days of personal leave back to the county board in exchange for monetary compensation paid on or before June 30.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 503**—A Bill to amend and reenact §18B-20-5 of the Code of West Virginia, 1931, as amended, relating to protection

of belief-based student organizations by expanding student organizations that are protected against certain types of discrimination by a state institution of higher education; and expanding the types of discrimination the student organizations are protected from.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

**By Senators Clements and Grady:**

**Senate Bill 504**—A Bill to amend and reenact §61-8B-11b of the Code of West Virginia, 1931, as amended, relating to modifying elements of a felony offense pertaining to when a school employee or volunteer engages in sexual intercourse, intrusion, or contact with students.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 505**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-12-1, §49-12-2, and §49-12-3, all relating to codifying the Parents' Bill of Rights.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 506**—A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to eliminating the restriction to carry a firearm on the State Capitol Complex grounds.

Referred to the Committee on the Judiciary.

**By Senator Grady:**

**Senate Bill 507**—A Bill to repeal §18-13-1, §18-13-2, §18-13-3, §18-13-4, and §18-13-5 of the Code of West Virginia, 1931, as amended, relating to repeal of West Virginia EDGE.

Referred to the Committee on Education.

**By Senators Roberts, Azinger, Barrett, Boley, Chapman, Deeds, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, and Weld:**

**Senate Joint Resolution 6**—Proposing an amendment to the Constitution of the State of West Virginia, amending section 47, article VI thereof, relating to authorizing the incorporation of religious denominations; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Blair (Mr. President):**

**Senate Joint Resolution 7**—Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article IV thereof, relating to the right to vote in elections held in West Virginia; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

Senators Blair (Mr. President), Barrett, Caputo, Jeffries, Maynard, Phillips, Queen, Swope, Takubo, Trump, Woodrum, and Maroney offered the following resolution:

**Senate Resolution 7**—Designating January 22, 2024, as West Virginia Tourism Day at the Legislature.

At the request of Senator Jeffries, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

At the request of Senator Jeffries, and by unanimous consent, Senator Jeffries offered the following resolution from the floor:

**Senate Resolution 8**—Designating January 23, 2024, as Hunger Free West Virginia Day at the Legislature.

Which, under the rules, lies over one day.

At the request of Senator Caputo, and by unanimous consent, Senator Caputo offered the following resolution from the floor:

**Senate Resolution 9**—Recognizing January 23, 2024, as Mountaineer Therapy Dogs' Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 18**, Stanley W. and Evelyn C. See Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 19**, US Army PFC Henry W. Baldwin Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 219**, Relating to Uniform Controlled Substances Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Maroney and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 219) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 17**, Authorizing Department of Health to promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 31**, Authorizing Department of Human Services to promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 60**, Authorizing DOT to promulgate legislative rules.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Com. Sub. for Senate Bill 152**, Displaying official US motto in public schools.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 217**, Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 240**, Increasing fees charged by sheriff.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 264**, Reducing rates for legal advertising.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Com. Sub. for Senate Bill 269**, Excluding test strips from definition of drug paraphernalia.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 280**, Allowing teachers in public schools to discuss scientific theories.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 293**, Creating the Glucagon for Schools Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 300**, Relating to organization of Office of Inspector General.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Senate Bill 438**, Modifying roster requirements of authorizing entities.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 354**, Relating to the WV Advanced Energy and Economic Corridor Authority.

**Com. Sub. for Senate Bill 399**, Creating crime of assault on a police dog.

**Com. Sub. for Senate Bill 400**, Creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects.

**Senate Bill 426**, WV Recreational Trails Development Act.

**Senate Bill 439**, Authorizing certain 911 personnel to be members of Emergency Medical Services Retirement System under certain circumstances.

**Senate Bill 462**, Updating definitions of certain terms used in Personal Income Tax Act.

And,

**Senate Bill 483**, Amending Corporation Net Income Tax Act.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on January 18, 2024:

**Senate Bill 450:** Senator Rucker.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 18, 2024:

**Senate Bill 243:** Senator Azinger;

**Senate Bill 325:** Senator Woelfel;

**Senate Bill 339:** Senator Azinger;

**Senate Bill 443:** Senator Oliverio;

**Senate Bill 450:** Senator Azinger;

**Senate Bill 467:** Senator Karnes;

**Senate Bill 468:** Senator Karnes;

**Senate Bill 486:** Senators Trump, Phillips, and Hamilton;

**Senate Bill 488:** Senators Hamilton, Woelfel, and Roberts;

**Senate Bill 489:** Senators Karnes and Rucker;

**Senate Bill 490:** Senator Woelfel;

**Senate Bill 492:** Senator Hamilton;

**Senate Concurrent Resolution 1:** Senator Karnes;

**Senate Concurrent Resolution 2:** Senator Karnes;

**Senate Concurrent Resolution 3:** Senator Karnes;

**Senate Concurrent Resolution 4:** Senator Karnes;

**Senate Concurrent Resolution 5:** Senator Karnes;

**Senate Concurrent Resolution 6:** Senator Karnes;

**Senate Concurrent Resolution 7:** Senator Karnes;

**Senate Concurrent Resolution 8:** Senator Karnes;

**Senate Concurrent Resolution 12:** Senator Karnes;

**Senate Concurrent Resolution 13:** Senator Karnes;

**Senate Concurrent Resolution 14:** Senator Karnes;

**Senate Concurrent Resolution 15:** Senator Karnes;

**Senate Concurrent Resolution 18:** Senators Karnes, Phillips, and Jeffries;

**Senate Concurrent Resolution 19:** Senators Karnes, Phillips, and Jeffries;

And,

**Senate Resolution 6:** Senator Karnes.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 11:27 a.m., the Senate adjourned until tomorrow, Tuesday, January 23, 2024, at 11 a.m.

---

## TUESDAY, JANUARY 23, 2024

The Senate met at 11 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Minister Ralph Perry, Crooked Creek Church of Christ in Logan County, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable David Stover, a senator from the ninth district.

Pending the reading of the Journal of Monday, January 22, 2024,

At the request of Senator Azinger, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communication from a state agency as required by the provisions of law:

Tax Department, State (Tax Expenditure Study) (§11-10-5s)

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect from passage, of

**Eng. House Bill 4274**, Renaming the Department of Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4302**—A Bill to amend and reenact §61-8D-3 and §61-8D-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the criminal penalties imposed on a parent, guardian, custodian, or person in a position of trust in relation to a child for child abuse resulting in bodily injury, serious bodily injury, and child neglect resulting in bodily injury, serious bodily injury, and child abuse or child neglect creating risk of injury; providing that a prior conviction under this section subjects a person to increased penalties; and providing a definition for a prior conviction.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4428**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-2b, relating to requiring all candidates for office to have their principal place of residence within the election districts for which they are seeking office; defining terms; setting forth facts which can be used to establish principal residence or domicile, and providing an exception.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4552**—A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to requiring immediate verification of partisan election candidates' party affiliation.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

**Com. Sub. for Senate Bill 60**, Authorizing DOT to promulgate legislative rules.

And has amended same.

Now on second reading, having been referred to the Committee on Rules on January 22, 2024;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Craig Blair,  
*Chair ex officio.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 60) contained in the preceding report from the Committee on Rules was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on Rules, was reported by the Clerk and adopted:

On page 3, section 2, line 5, by striking out the period and inserting the following:

"with the amendment set forth below:

On pages 15 and 16, by striking out all of subdivision 5.5.a. and inserting in lieu thereof a new subdivision 5.5.a. to read as follows:

5.5.a. The successful bidder has the option of submission of the bond in an amount equivalent to either 102 percent or 100 percent of the contract price.;

And,

On page 16, by adding 4 new subdivisions, designated 5.5.b., 5.5.c., 5.5.d., and 5.5.e., all to read as follows:

5.5.b. The submission of the aforementioned bond in an amount equivalent to 102 percent of the contract price by the successful bidder is the standard expectation of the division in order to comply with the current special provision for subcontractor prompt payment and does not necessitate the withholding of retainage by the division from monies due on future progress voucher estimates payable under the terms of the contract. Further, the decision by a particular contractor to submit a bond in an amount equivalent to 102 percent of the contract price shall be consistent and applicable throughout the duration of the contract

for which the bond is being submitted and shall be consistent and applicable to all contracts executed between the Division and that particular contractor.

5.5.c. If the successful bidder elects to submit the bond in an amount equivalent to 100 percent of the contract price, it is necessary that the bidder notify the Contract Administration Division in writing prior to the submission of the bond. Submission of a bond in an amount equivalent to 100 percent of the contract price requires the withholding of retainage by the Division from monies due on future progress voucher estimates payable under the terms of the contract and as set forth in 11.6 of this rule. Further, the decision by a particular contractor to submit a bond in an amount equivalent to 100 percent of the contract price shall be consistent and applicable throughout the duration of the contract for which the bond is being submitted and shall be consistent and applicable to all contracts executed between the division and that particular contractor.

5.5.d. As an alternate, the successful bidder may deposit with the State Treasurer cash bond, United States Treasury Bonds, United States Treasury Certificates of Indebtedness, United States Treasury Bills or West Virginia Road Bonds in the amount of either 102 percent or 100 percent of the contract amount. A safe keeping receipt from a bank located in the State of West Virginia may be deposited with the State Treasurer in lieu of any of the definitive securities.

5.5.e. The State Treasurer shall, on a regular basis, collect all interest or income on the obligations so deposited and pay same, when and if collected, to the contractor who deposited the obligations. If the deposit is in the form of coupon bonds, the State Treasurer shall deliver each coupon as it matures to the contractor."

The bill (Com. Sub. for S. B. 60), as amended, was then ordered to engrossment and third reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 318**, Modifying process of when parental rights are terminated.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 318** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §48-22-502 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §49-4-117, all relating generally to adoption proceedings; requiring certain information to be included in the adoption petition; and requiring Department of Human Services to provide certificate in certain circumstances where parental rights have been terminated.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 332**, Relating to roadable aircraft on WV highways.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 429**, WV Farm Use Vehicle Tag Placement Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 429** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended, relating to farm use vehicle tag placement and letter size.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 1**, Leon Charles Trader Memorial Bridge.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Concurrent Resolution 1** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 25-58-

1.03 (39.43413 N, -80.20368 W), through Industrial Park Road in Marion County, the "U.S. Army PFC Leon Charles Trader Memorial Bridge".

**Senate Concurrent Resolution 5**, US Army 1LT Hershel Jarrell Memorial Road.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Concurrent Resolution 5** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name Van High School Road (County Route 11/5) in Boone County the "U.S. Army 1LT Hershel Jarrell Memorial Road".

**Senate Concurrent Resolution 6**, Orland Jackson "Tom" Meikles Memorial Road.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Concurrent Resolution 6** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name the portion of road located at CR 8 from the intersection with WV 214 to the intersection with Quail Hill Drive, 38° 17' 13.42" N, 81° 48' 40.64" W, in Lincoln County, the "U.S. Army SSG Orland Jackson "Tom" Meikles Memorial Road".

And,

**Senate Concurrent Resolution 12**, US Army PVT Raymond Lee Perkins Memorial Bridge.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Concurrent Resolution 12** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge 24-007/00-

001.28 (24A381), (37.45980, -81.70401), locally known as Big Sandy Bridge, carrying CR 07 over Tug Fork in McDowell County, the "U.S. Army Private Raymond Lee Perkins Memorial Bridge".

With the recommendation that the four committee substitutes be adopted.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 2**, US Army PFC John Henry Trail Memorial Bridge.

**Senate Concurrent Resolution 8**, US Army Corporal Clemon Knapp Memorial Bridge.

And,

**Senate Concurrent Resolution 15**, Chief Edward "Eddie" Keesecker Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Weld:**

**Senate Bill 508**—A Bill to amend and reenact §11-21-3, §11-21-4g, §11-21-18, §11-21-30, §11-21-40, §11-21-51, and §11-21-71a of the Code of West Virginia, 1931, as amended; and to amend and reenact §44D-1-108 of said code, all relating to the personal income tax; and exempting non-grantor trusts administered in this state from the personal income tax.

Referred to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 509**—A Bill to amend §3-5-3 of the Code of West Virginia, 1931, as amended, relating to eligibility for persons seeking to be certified as a nominee for President of the United States if the United States House of Representatives has authorized an impeachment inquiry into such person by resolution approved by the House of Representatives and the inquiry has not been finally resolved; and providing a sunset provision.

Referred to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Bill 510**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5i, relating to creating the West Virginia Children's Vision Act; and requiring proof of vision examination of children enrolling in West Virginia public or private schools.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 511**—A Bill to amend and reenact §15-1B-24 of the Code of West Virginia, 1931, as amended, relating to using Department of Health and Human Resources group home funds to assist cadets' enrollment costs at the Mountaineer Challenge Academy.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 512**—A Bill to amend and reenact §11-1A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-19-2 of said code; all relating to clarifying that solar farms are not agricultural operations or in the business of farming for purposes of agricultural production and taxation.

Referred to the Committee on Agriculture and Natural Resources; and then to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 513**—A Bill to amend and reenact §29-22A-10d and §29-22A-10e of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22C-27a of said code, all relating to the racetrack video lottery changes in distribution of net terminal income; providing for changes in distribution of adjusted gross receipts in the lottery racetrack table games; and restoring moneys previously removed from net terminal income in 2014.

Referred to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 514**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, §16-67-6, §16-67-7, §16-67-8, §16-67-9, §16-67-10, and §16-67-11, all relating to lung cancer prevention and education; defining terms; establishing a lung cancer and education program within the Bureau for Public Health; allowing for grants to be issued to approved organizations; setting forth grant criteria; setting forth procedure and eligibility for grants; requiring annual reporting; establishing a fund; setting forth financial eligibility; setting forth medical eligibility; setting forth the reimbursement process; setting forth a rate for the screening service; providing for annual rate adjustment; and requiring the Department of Health to administer an education campaign.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 515**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-29, relating to prohibiting a public school student from being required to participate in instruction related to sexual orientation and gender identity if a parent, custodian, or guardian of the student objects in writing; requiring each public school to afford the parent, custodian, or guardian of a child subject to instruction with respect to sexual orientation and gender identity advance written notification of such instruction and of their right to exempt the child from participation; prohibiting a public school and the county board employees assigned to the school from knowingly giving false or misleading information to the parent, custodian, or guardian of a student regarding the student's gender identity or intention to transition to a gender that is different than the sex listed on a student's official birth certificate or certificate issued upon adoption if the certificate was issued at or near the time of the student's birth; requiring a public school employee to report a student's request for an accommodation that is intended to affirm the student's gender identity from a person employed by the public school to an administrator employed by the county board and assigned to the school; requiring the administrator to report the student's request to the student's parent, custodian, or guardian; allowing for legal action in certain instances of violations; allowing State Board of Education to promulgate rules; and providing that the provisions of this act are severable.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

**By Senators Woelfel, Trump, and Caputo:**

**Senate Bill 516**—A Bill to amend and reenact §48-9-105 of the Code of West Virginia, 1931, as amended, relating to determining venue for custodial allocation actions independent of divorce.

Referred to the Committee on the Judiciary.

**By Senator Takubo:**

**Senate Bill 517**—A Bill to amend and reenact §16-5-9 and §16-5-25 of the Code of West Virginia, 1931, as amended, relating to birth certificates; requiring the biological sex designation on a

birth certificate to be male or female; prohibiting a nonbinary sex designation on a birth certificate; providing that the biological sex on a birth certificate shall only be amended for a person who has a chromosomal count that establishes the sex of the person as different than in the registered birth certificate; setting forth evidence for amendment; and providing for an effective date.

Referred to the Committee on Health and Human Resources.

**By Senators Woelfel, Caputo, and Plymale:**

**Senate Bill 518**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9v, relating to the exemption of certain hygiene products from sales tax.

Referred to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 519**—A Bill to amend and reenact §15-1B-24 of the Code of West Virginia, 1931, as amended, relating to the Mountaineer Challenge Academy; and permitting cadets to enroll in accredited virtual instructional courses online, or to attend accredited courses in person, in order to obtain a West Virginia Education Information System Number from the State Board of Education.

Referred to the Committee on Education.

**By Senator Maynard:**

**Senate Bill 520**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-3E-1, §16-3E-2, §16-3E-3, §16-3E-4, §16-3E-5, and §16-3E-6, all relating to informed consent for vaccinations; providing a short title; defining terms; prohibiting discrimination against patients for declining or delaying vaccines; establishing prohibited activities; creating rights for patients; and establishing monetary penalties and revocation of licensure for violations.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 521**—A Bill to amend and reenact §18A-4-16 of the Code of West Virginia, 1931, as amended, relating to requiring that whenever a county board enters into an extracurricular assignment agreement with bus operators and the bus operators are compensated during days the bus runs are not made, any special needs bus aides who have entered into an extracurricular assignment agreement to ride the buses and be available to assist student riders shall on those days be assigned to a school, assigned alternate duties at the school, and be paid at their normal rate of pay under the agreement for that day.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senators Woelfel and Plymale:**

**Senate Bill 522**—A Bill to amend and reenact §7-1-3ff of the Code of West Virginia, 1931, as amended, relating to the procedure for citations issued by the county litter control officer.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 523**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to requiring public schools to notify parents when dispensing contraceptives to minors; and providing a definition.

Referred to the Committee on Health and Human Resources.

**By Senator Maynard:**

**Senate Bill 524**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8e, relating to the West Virginia Monument and Memorial Protection Act of 2024; prohibiting the removal, renaming, alteration, or relocation of any statue, monument, memorial, nameplate, plaque, school, street, bridge, building, park, preserve, or reserve recognized by the West Virginia State Historic

Preservation Office, is located on public property and has been erected for, named, or dedicated in honor of, certain historical, military, labor, civil rights, and Native-American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas recognized by the West Virginia State Historic Preservation Office; and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances.

Referred to the Committee on Government Organization.

**By Senator Maynard:**

**Senate Bill 525**—A Bill to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating to clarifying the responsibility of the Governor to fill a vacancy in the State Legislature; providing a process for the selection of three legally qualified persons to fill a vacancy in the office of state Senator or member of the House of Delegates; allowing for virtual candidate interviews where more than three candidates apply; clarifying the interview process; and providing that a party county chairman appoint a subcommittee to act as vacancy committee where a senate or delegate district is wholly within one county.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 526**—A Bill to amend and reenact §21-1B-2, §21-1B-3, and §21-1B-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21-1B-9, all relating to labor; verifying the legal employment status of all persons by a business of entity and to report employment to the appropriate governmental agencies; providing definitions; using E-Verify, the electronic verification of federal employment authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; and prohibiting the employment of unauthorized workers.

Referred to the Committee on Government Organization.

**By Senator Maynard:**

**Senate Bill 527**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2S-1, relating to requiring physicians to notify parents when prescribing contraceptives to minors; and providing definitions.

Referred to the Committee on Health and Human Resources.

Senators Blair (Mr. President), Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, and Woodrum offered the following resolution:

**Senate Resolution 10**—Commemorating the 78th Southern Legislative Conference of the Council of State Governments' Southern Office.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 8**, Designating January 23, 2024, as Hunger Free WV Day at Legislature.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Jeffries, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo,

Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Plymale and Rucker—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 8) adopted.

**Senate Resolution 9**, Recognizing January 23, 2024, as Mountaineer Therapy Dogs' Day at Legislature.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Caputo, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Plymale and Rucker—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 9) adopted.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 17**, Authorizing Department of Health to promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Plymale and Rucker—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 17) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Plymale and Rucker—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 17) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 31**, Authorizing Department of Human Services to promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Plymale and Rucker—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 31) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Plymale and Rucker—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 31) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 152**, Displaying official US motto in public schools.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 152 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo—1.

Absent: Plymale and Rucker—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 152) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Grady and Caputo regarding the passage of Engrossed Committee Substitute for Senate Bill 152 were ordered printed in the Appendix to the Journal.

**Eng. Com. Sub. for Senate Bill 217**, Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart,

Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 217) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 217) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 240**, Increasing fees charged by sheriff.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 240 pass?"

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries,

Maroney, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—27.

The nays were: Azinger, Chapman, Karnes, Martin, Maynard, and Taylor—6.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 240) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 269**, Excluding test strips from definition of drug paraphernalia.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Tarr—1.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 269) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio,

Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Tarr—1.

Absent: Plymale—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 269) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 280**, Allowing teachers in public schools to discuss scientific theories.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 280 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo and Woelfel—2.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 280) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Woelfel as to the passage of Engrossed Committee Substitute for Senate Bill 280 were ordered printed in the Appendix to the Journal.

At the request of Senator Takubo, unanimous consent being granted, the remarks by Senators Grady and Tarr as to the passage of Engrossed Committee Substitute for Senate Bill 280 were ordered printed in the Appendix to the Journal.

**Eng. Com. Sub. for Senate Bill 293**, Creating the Glucagon for Schools Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 293) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 438**, Modifying roster requirements of authorizing entities.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 438) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 438) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 300**, Relating to organization of Office of Inspector General.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Takubo, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 88, by striking out the provisions of §16B-4-18 in its entirety, and inserting in lieu thereof a new §16B-4-16, to read as follows:

**§16B-4-16. Separate accounts for residents' personal funds; consent for use; records; penalties.**

(a) Each nursing home subject to the provisions of this article shall hold in a separate account and in trust each resident's personal funds deposited with the nursing home.

(b) No person may use or cause to be used for any purpose the personal funds of any resident admitted to any such nursing home unless consent for the use thereof has been obtained from the resident, or from a committee, or guardian, or relative.

(c) Each nursing home shall maintain a true and complete record of all receipts for any disbursements from the personal funds account of each resident in the nursing home, including the purpose and payee of each disbursement, and shall render a true account of such record to the resident or his or her representative upon demand and upon termination of the resident's stay in the nursing home.

(d) Any person or corporation who violates any subsection of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or imprisoned in jail not more than one year, or both fined and imprisoned.

(e) Reports provided to review organizations are confidential unless inaccessibility of information interferes with the director's ability to perform his or her oversight function as mandated by federal regulations and this section.

(f) Notwithstanding §16B-4-16(b) or any other provision of this code, upon the death of a resident, any funds remaining in his or her personal account shall be made payable to the person or probate jurisdiction administering the estate of said resident:

Provided, That if after 30 days there has been no qualification over the decedent resident's estate, those funds are presumed abandoned and are reportable to the State Treasurer pursuant to the West Virginia Uniform Unclaimed Property Act, §36-8-1 et seq. of this code.;

On page 89, section 19, by striking out the section caption and inserting in lieu thereof a new section caption, to read as follows:

**§16B-4-17. Federal law; legislative rules.;**

On page 89, section 20, by striking out the section caption and inserting in lieu thereof a new section caption, to read as follows:

**§16B-4-18. Hospice palliative care required to be offered.;**

On page 90, section 21, by striking out the section caption and inserting in lieu thereof a new section caption, to read as follows:

**§16B-4-19. Employment restrictions.;**

On page 90, section 22, by striking out the section caption and inserting in lieu thereof a new section caption, to read as follows:

**§16B-4-20. Jury trial waiver to be a separate document.;**

And,

On page 115, section 18, by striking out the section caption and inserting in lieu thereof a new section caption, to read as follows:

**§16B-5-16. Separate accounts for residents' personal funds; consent for use; records; penalties.**

The bill (Com. Sub. for S. B. 300), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 354**, Relating to the WV Advanced Energy and Economic Corridor Authority.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Com. Sub. for Senate Bill 399**, Creating crime of assault on a police dog.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 400**, Creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Jeffries, the following amendment to the bill was reported by the Clerk and adopted:

On page 1, section 11, line 17, by striking out the words "January 1, 2025" and inserting in lieu thereof the words "March 1, 2025".

The bill (Com. Sub. for S. B. 400), as amended, was then ordered to engrossment and third reading.

**Senate Bill 426**, WV Recreational Trails Development Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 439**, Authorizing certain 911 personnel to be members of Emergency Medical Services Retirement System under certain circumstances.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 462**, Updating definitions of certain terms used in Personal Income Tax Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 483**, Amending Corporation Net Income Tax Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 196**, WV Rail Trails Program.

**Senate Bill 262**, Clarifying procedure for administrative dissolution of corporations by Secretary of State.

**Senate Bill 357**, Permitting dental hygienist to perform tobacco cessation education.

**Senate Bill 428**, Establishing appeals from administrative rulings are to be filed with Intermediate Court of Appeals.

**Senate Bill 430**, WV Rent-to-Own Act.

And,

**Senate Bill 448**, Requiring age-appropriate instruction on Holocaust in public schools.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Hamilton.

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on January 23, 2024:

**Senate Bill 392:** Senator Woelfel.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 23, 2024:

**Senate Bill 216:** Senator Rucker;

**Senate Bill 222:** Senator Smith;

**Senate Bill 261:** Senator Smith;

**Senate Bill 279:** Senator Roberts;

**Senate Bill 318:** Senator Takubo;

**Senate Bill 321:** Senator Hamilton;

**Senate Bill 325:** Senators Weld, Rucker, and Hamilton;

**Senate Bill 332:** Senator Roberts;

**Senate Bill 408:** Senator Woelfel;

**Senate Bill 442:** Senators Deeds and Hamilton;

**Senate Bill 445:** Senator Oliverio;

**Senate Bill 461:** Senator Oliverio;

**Senate Bill 487:** Senator Deeds;

**Senate Bill 495:** Senator Caputo;

**Senate Bill 498:** Senator Takubo;

**Senate Bill 499:** Senator Karnes;

**Senate Bill 500:** Senator Woelfel;

**Senate Bill 501:** Senator Deeds;

**Senate Bill 502:** Senator Deeds;

**Senate Bill 503:** Senator Taylor;

**Senate Bill 504:** Senator Woelfel;

**Senate Bill 505:** Senators Karnes and Taylor;

**Senate Bill 506:** Senators Stuart and Karnes;

**Senate Joint Resolution 6:** Senators Clements and Taylor;

**Senate Joint Resolution 7:** Senators Deeds, Stuart, and Clements;

**Senate Resolution 7:** Senators Deeds, Nelson, and Taylor;

And,

**Senate Resolution 8:** Senators Deeds, Caputo, and Woelfel.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:07 p.m., the Senate adjourned until tomorrow, Wednesday, January 24, 2024, at 11 a.m.

---

## WEDNESDAY, JANUARY 24, 2024

The Senate met at 11 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Pastor Seth Polk, Lead Pastor, Cross Lanes Baptist Church, Cross Lanes, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jay Taylor, a senator from the fourteenth district.

Pending the reading of the Journal of Tuesday, January 23, 2024,

At the request of Senator Oliverio, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4431**—A Bill to amend and reenact §61-12-15 of the Code of West Virginia, 1931, as amended, all relating to the Office of the Chief Medical Examiner; and permitting the cremation of unidentified remains.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4432**—A Bill to amend and reenact §30-3-14 and §30-3-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-7-15 of said code; and to amend and reenact §31B-13-1301 of said code, all relating to midlevel practitioners; permitting physician assistants owning a practice; establishing grounds for discipline or denial of a license or other authorization for physician assistants; clarifying physician assistant shareholder eligibility for medical corporations; relating to the administration of anesthetics; permitting physician assistants to serve as designated corporate representatives; and designating the profession of physician assistant as a professional service for the purposes of the Uniform Limited Liability Company Act.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4594**—A Bill to amend and reenact §9-5-27 of the Code of West Virginia, 1931, as amended, relating to extending managed care.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bills 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, and 49**, Governor's Committee on Crime, Delinquency, and Correction rule relating to law-enforcement training and certification standards.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 36** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-6-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Homeland Security to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Governor's Committee on Crime, Delinquency, and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards; authorizing the Governor's Committee on Crime, Delinquency, and Correction to promulgate a legislative rule relating to protocol for law-enforcement response to domestic violence; authorizing the Governor's Committee on Crime, Delinquency, and Correction to promulgate a legislative rule relating to sexual assault forensic examinations; authorizing the Division of Emergency Management to promulgate a legislative

rule relating to industrial accident rapid response; authorizing the State Fire Commission to promulgate a legislative rule relating to the fire code; authorizing the State Fire Commission to promulgate a legislative rule relating to certification and evaluation of local fire departments; authorizing the State Fire Commission to promulgate a legislative rule relating to certification of fire chiefs; authorizing the State Fire Marshal to promulgate a legislative rule relating to certification of electrical inspectors; authorizing the State Fire Marshal to promulgate a legislative rule relating to supervision of fire protection work; authorizing the State Fire Marshal to promulgate a legislative rule relating to electrician licensing rules; authorizing the State Fire Marshal to promulgate a legislative rule relating to standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors and plans examiners; authorizing the State Fire Marshal to promulgate a legislative rule relating to certification of home inspectors; authorizing the West Virginia State Police to promulgate a legislative rule relating to West Virginia State Police member grievance procedures; and authorizing the West Virginia State Police to promulgate a legislative rule relating to motor vehicle inspections.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

**Senate Bill 222**, Exempting WV veterans from certain fees and charges at state parks.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 222** (originating in the Committee on Military)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to the development of an incentive plan for West Virginia veterans which includes reductions and discounts in fees and charges at state parks.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Chair.*

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

**Senate Bill 231**, Clarifying wind power projects taxation.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 231** (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to pollution control facilities tax treatment; clarifying that wind power projects are not pollution control facilities for certain purposes; and providing that wind power projects be taxed as real property.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Randy E. Smith,  
*Chair.*

The bill (Com. Sub. for S. B. 231), under the original double committee reference, was then referred to the Committee on Finance.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

**Senate Bill 261**, WV Veterans' Home Loan Mortgage Program of 2024.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 261** (originating in the Committee on Military)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18F-1, §31-18F-2, §31-18F-3, §31-18F-4, §31-18F-5, and §31-18F-6; and to amend and reenact §36-8-13 of said code, all relating generally to creating the West Virginia Veterans' Home Loan Mortgage Program of 2024; establishing a fund known as the West Virginia Veterans' Home Loan Mortgage Fund; declaring the purpose of the fund; providing that the West Virginia Housing Development Fund shall administer the fund; setting forth terms of the program; authorizing the West Virginia Housing Development Fund to make certain mortgage loans from the fund; and authorizing the unclaimed property administrator to transfer a certain amount from the Unclaimed Property Trust Fund to the fund.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Ryan W. Weld,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the

second committee reference of the bill contained in the foregoing report from the Committee on Military.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

**Senate Bill 298**, Providing tax credit to certain disabled veterans for lifetime hunting, trapping, and fishing license.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 298** (originating in the Committee on Military)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13NN-1, §11-13NN-2, and §11-13NN-3; to amend and reenact §20-2-28 of said code; and to amend and reenact §20-2B-7 of said code, all relating to tax credit offered to veterans who have been honorably discharged from the military for the cost of their lifetime hunting, trapping, and fishing license; defining "eligible veteran"; establishing amount of credit; setting procedures to claim credit; requiring that disabled veterans obtain a hunting, trapping, and fishing license; and requiring proposal of appropriate legislative rule.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Ryan W. Weld,  
*Chair.*

The bill (Com. Sub. for S. B. 298), under the original double committee reference, was then referred to the Committee on Finance.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 302**, Authorizing child sexual abuse and sexual violence prevention program and in-service training in child sexual abuse prevention.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 302** (originating in the Committee on Education)—A Bill to amend and reenact §18-2-41 of the Code of West Virginia, 1931, as amended, relating to requiring in grades three through six, at least annual age-appropriate instruction in child sexual abuse prevention; requiring in grades three through six, at least annual instruction in personal safety and assault prevention; providing exception; requiring annual notice to parent or guardian at least one week prior to personal safety and assault prevention instruction; and requiring in grades seven through 12, at least annual age-appropriate instruction in dating violence prevention and sexual violence prevention.

And,

**Senate Bill 468**, Requiring course in public schools on human development.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 468** (originating in the Committee on Education)—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-2-44, all relating to the State Board of Education and required courses of education; providing for courses to include human growth and development related to pregnancy and human development inside the womb; requiring methods of presenting this instruction; and adding a

human growth and development curriculum to be known as the Baby Olivia Act.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 321**, Limiting municipalities' authority to restrict purchase and storage of weapons and ammunition.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 321** (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to limitations upon municipalities' power to restrict the sale and storage of weapons and ammunition; and preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses.

And,

**Senate Bill 445**, Reducing certification periods and renewal fees for EMS personnel.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 445** (originating in the Committee on Government Organization)—A Bill to amend and reenact §16-

4C-8 and §16-4C-9 of the Code of West Virginia, 1931, as amended, all relating to certification of emergency medical services personnel; establishing dates for mandatory rule-making; setting period of validity of certification for emergency medical services personnel at two years; and requiring Office of Emergency Medical Services to publish certain disciplinary actions taken against certified emergency medical services personnel on its website.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 325**, Relating to distribution of drugs to safety net providers and contract pharmacies.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 325** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-8-6a, relating to the distribution of drugs to safety net providers and contract pharmacies; penalties; and preemption.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The bill (Com. Sub. for S. B. 325), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 410**, Requiring all state buildings provide private room for nursing or breastfeeding purposes.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Woelfel:**

**Senate Bill 528**—A Bill to amend and reenact §49-1-201 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-2-101, §49-2-809, and §49-2-813 of said code; and to amend and reenact §49-11-101 of said code, all relating to child welfare; defining terms; stating that protective services includes both an investigative track and a family assessment track; detailing criteria when family assessment track and investigative track to be used; requiring the Department of Human Services as a socially necessary service provider or other contracted provider to provide family track assessment services; requiring the Bureau for Social Services to establish a triage system for calls received by centralized intake that complies with relevant law requiring the use of the family assessment track and the investigative track; requiring

a centralized intake worker to investigate repeated calls made within 30 days; requiring rulemaking; and amending requirements of the child welfare data dashboard.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Queen:**

**Senate Bill 529**—A Bill to amend and reenact §18C-7-3 of the Code of West Virginia, 1931, as amended, relating to including Salem University as a program wherein the PROMISE Scholarship is accepted.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 530**—A Bill to amend and reenact §7-20-6 of the Code of West Virginia, 1931, as amended, relating to removing the requirement for counties to draft and adopt comprehensive zoning ordinances.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 531**—A Bill to amend and reenact §18-5G-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-31-8 of said code, all relating to allowing charter schools to charge Hope Scholarship students for classes the students enroll in at the charter school.

Referred to the Committee on School Choice; and then to the Committee on Finance.

**By Senators Smith, Caputo, and Stover:**

**Senate Bill 532**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-10A-1, §22-10A-2, §22-10A-3, §22-10A-4, §22-10A-5, §22-10A-6, §22-10A-7, §22-10A-8, and §22-10A-9, all relating to creating the Orphan Oil and Gas Well Prevention Act of 2024; preventing

oil and gas wells from being orphaned on surface owner's land with no responsible driller or operator with the resources to plug the well; providing procedures for prevention of orphaned wells; and requiring plugging money set aside as escrow in the Office of the State Treasurer.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

**By Senators Deeds, Barrett, Hamilton, Hunt, Nelson, Phillips, Queen, Roberts, and Swope:**

**Senate Bill 533**—A Bill to amend and reenact §16-4C-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-4C-26; and to amend said code by adding thereto a new article, designated §33-63-1, all relating to emergency medical services; providing that an emergency medical services agency may triage and transport a patient to an alternate destination in certain circumstances; and providing that insurance coverage of emergency medical services include triage, treat and transport to an alternative destination, or to treat in place.

Referred to the Committee on Health and Human Resources.

**By Senators Deeds, Barrett, Hamilton, Hunt, Martin, Nelson, Phillips, Queen, Roberts, and Swope:**

**Senate Bill 534**—A Bill to amend and reenact §61-6-25 of the Code of West Virginia, 1931, as amended, relating to prohibiting evidence of accusations of committing false allegations of child abuse in family court proceedings unless an individual has been convicted of that crime.

Referred to the Committee on the Judiciary.

**By Senator Hunt:**

**Senate Bill 535**—A Bill to amend and reenact §33-6-37 of the Code of West Virginia, 1931, as amended, relating to cancellation of homeowners insurance; and prohibiting cancellation of homeowners insurance for an isolated incident.

Referred to the Committee on Banking and Insurance.

**By Senators Hunt and Deeds:**

**Senate Bill 536**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-15, relating to prohibiting law-enforcement officers with less than academy training from writing citations for traffic offenses on the interstate.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

**By Senator Hunt:**

**Senate Bill 537**—A Bill to amend and reenact §7-11-3 and §7-11-4 of the Code of West Virginia, 1931, as amended, all relating to the election rather than appointment of members to any parks and recreation commission of a county with a population greater than 150,000.

Referred to the Committee on Outdoor Recreation; and then to the Committee on Government Organization.

**By Senator Maynard:**

**Senate Bill 538**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to creating an exception for a public nuisance.

Referred to the Committee on Outdoor Recreation; and then to the Committee on the Judiciary.

**By Senators Takubo, Deeds, Oliverio, and Weld:**

**Senate Bill 539**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-12-9, relating to creating the Cold Case database, explaining the types of cases to be included in the Cold Case database, explaining the state agency developing the Cold Case database, delineating the information that must be provided for inclusion in the Cold Case database for each investigation, and delineating the information that may be provided for inclusion in the Cold Case database for each investigation if applicable to either the victim of the crime or the suspect of the crime.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 540**—A Bill to amend and reenact §1-1-5 of the Code of West Virginia, 1931, as amended, relating to updating the West Virginia coordinate systems.

Referred to the Committee on Government Organization.

**By Senators Swope and Maynard:**

**Senate Bill 541**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-40-1, §8-40-2, §8-40-3, §8-40-4, §8-40-5, and §8-40-6, all relating to facilitating the creation of home-based businesses; providing for definitions; providing for permitted use; providing for prohibitions; creating reasonable regulations; providing for limited conditions; and providing for review.

Referred to the Committee on Government Organization.

**By Senator Barrett:**

**Senate Bill 542**—A Bill to amend and reenact §3-10-7 of the Code of West Virginia, 1931, as amended, relating to amending the procedure for filling a vacancy in offices of county commissioners having more than three commissioners.

Referred to the Committee on Government Organization.

**By Senators Maynard, Grady, Jeffries, Oliverio, and Woelfel:**

**Senate Bill 543**—A Bill to amend and reenact §18B-12-3, §18B-12-4, and §18B-12-10 of the Code of West Virginia, 1931, as amended, all relating to research and economic development agreements for state institutions of higher education; and clarifying that the governing boards of state institutions of higher education are authorized to enter into agreements and contractual relationships with corporations formed with respect to such state institutions of higher education for purposes of fostering economic development efforts.

Referred to the Committee on Economic Development.

Senator Weld offered the following resolution:

**Senate Resolution 11**—Designating January 25, 2024, as Veterans Appreciation Day at the Legislature.

Which, under the rules, lies over one day.

Senator Rucker offered the following resolution:

**Senate Resolution 12**—Recognizing the week of January 21-January 27, 2024, as National School Choice Week.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Com. Sub. for Senate Concurrent Resolution 1**, US Army PFC Leon Charles Trader Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Concurrent Resolution 2**, US Army PFC John Henry Trail Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Com. Sub. for Senate Concurrent Resolution 5**, US Army 1LT Herschel Jarrell Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Com. Sub. for Senate Concurrent Resolution 6**, US Army SSG Orland Jackson "Tom" Meikles Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Concurrent Resolution 8**, US Army Corporal Clemon Knapp Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Com. Sub. for Senate Concurrent Resolution 12**, US Army Private Raymond Lee Perkins Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Concurrent Resolution 15**, Chief Edward "Eddie" Keesecker Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Resolution 10**, Commemorating 78th Southern Legislative Conference of Council of State Governments Southern Office.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, reference of the resolution to a committee was dispensed with and it was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Plymale demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 10) adopted.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 60**, Authorizing DOT to promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 60) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 60) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

**Eng. Com. Sub. for Senate Bill 300**, Relating to organization of Office of Inspector General.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 300) passed.

On motion of Senator Takubo, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for Senate Bill 300**—A Bill to repeal §5-11-1, §5-11-2, §5-11-3, §5-11-4, §5-11-5, §5-11-6, §5-11-7, §5-11-8, §5-11-9, §5-11-9a, §5-11-10, §5-11-11, §5-11-12, §5-11-13, §5-11-14, §5-11-15, §5-11-16, §5-11-17, §5-11-18, §5-11-19, and §5-

11-20 of the Code of West Virginia, 1931, as amended; to repeal §5-11A-1, §5-11A-2, §5-11A-3, §5-11A-3a, §5-11A-4, §5-11A-5, §5-11A-6, §5-11A-7, §5-11A-8, §5-11A-9, §5-11A-10, §5-11A-11, §5-11A-12, §5-11A-13, §5-11A-14, §5-11A-15, §5-11A-16, §5-11A-17, §5-11A-18, §5-11A-19, and §5-11A-20 of said code; to repeal §5-11B-1, §5-11B-2, §5-11B-3, §5-11B-4, §5-11B-5, §5-11B-6, and §5-11B-7 of said code; to amend and reenact §9-5-27 of said code; to repeal §16-1-22, §16-1-22a, §16-1-22b, and §16-1-22c of said code; to repeal §16-2E-1, §16-2E-2, §16-2E-3, §16-2E-4, and §16-2E-5 of said code; to repeal §16-2N-1, §16-2N-2, and §16-2N-3 of said code; to repeal §16-5B-1, §16-5B-2, §16-5B-3, §16-5B-4, §16-5B-5, §16-5B-5a, §16-5B-6, §16-5B-7, §16-5B-8, §16-5B-9, §16-5B-10, §16-5B-11, §16-5B-12, §16-5B-13, §16-5B-14, §16-5B-15, §16-5B-16, §16-5B-17, §16-5B-18, §16-5B-19, and §16-5B-20 of said code; to repeal §16-5C-1, §16-5C-2, §16-5C-3, §16-5C-4, §16-5C-5, §16-5C-6, §16-5C-7, §16-5C-8, §16-5C-9, §16-5C-9a, §16-5C-10, §16-5C-11, §16-5C-12, §16-5C-12a, §16-5C-13, §16-5C-14, §16-5C-15, §16-5C-18, §16-5C-19, §16-5C-20, §16-5C-21, and §16-5C-22 of said code; to repeal §16-5D-1, §16-5D-2, §16-5D-3, §16-5D-4, §16-5D-5, §16-5D-6, §16-5D-7, §16-5D-8, §16-5D-9, §16-5D-10, §16-5D-11, §16-5D-12, §16-5D-13, §16-5D-14, §16-5D-15, and §16-5D-18 of said code; to repeal §16-5E-1, §16-5E-1a, §16-5E-2, §16-5E-3, §16-5E-3a, §16-5E-4, §16-5E-5, and §16-5E-6 of said code; to repeal §16-5H-1, §16-5H-2, §16-5H-3, §16-5H-4, §16-5H-5, §16-5H-6, §16-5H-7, §16-5H-8, §16-5H-9, and §16-5H-10 of said code; to repeal §16-5I-1, §16-5I-2, §16-5I-3, §16-5I-4, §16-5I-5, and §16-5I-6 of said code; to repeal §16-5N-1, §16-5N-2, §16-5N-3, §16-5N-4, §16-5N-5, §16-5N-6, §16-5N-7, §16-5N-8, §16-5N-9, §16-5N-10, §16-5N-11, §16-5N-12, §16-5N-13, §16-5N-14, §16-5N-15, and §16-5N-16 of said code; to repeal §16-5O-1, §16-5O-2, §16-5O-3, §16-5O-4, §16-5O-5, §16-5O-6, §16-5O-7, §16-5O-8, §16-5O-9, §16-5O-10, §16-5O-11, and §16-5O-12 of said code; to repeal §16-5R-1, §16-5R-2, §16-5R-3, §16-5R-4, §16-5R-5, §16-5R-6, and §16-5R-7 of said code; to repeal §16-5W-1, §16-5W-2, §16-5W-3, and §16-5W-4 of said code; to repeal §16-5Y-1, §16-5Y-2, §16-5Y-3, §16-5Y-4, §16-5Y-5, §16-5Y-6, §16-5Y-7, §16-5Y-8, §16-5Y-9, §16-5Y-10, §16-5Y-11, §16-5Y-12, and §16-5Y-13 of said code; to repeal §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4,

§16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10 of said code; to repeal §16-49-1, §16-49-2, §16-49-3, §16-49-4, §16-49-5, §16-49-6, §16-49-7, §16-49-8, and §16-49-9 of said code; to amend said code by adding thereto a new chapter, designated §16B-1-1, §16B-2-1, §16B-2-2, §16B-2-3, §16B-2-4, §16B-3-1, §16B-3-2, §16B-3-3, §16B-3-4, §16B-3-5, §16B-3-5a, §16B-3-6, §16B-3-7, §16B-3-8, §16B-3-9, §16B-3-10, §16B-3-11, §16B-3-12, §16B-3-13, §16B-3-14, §16B-3-15, §16B-3-16, §16B-3-17, §16B-3-18, §16B-3-19, §16B-3-20, §16B-4-1, §16B-4-2, §16B-4-3, §16B-4-4, §16B-4-5, §16B-4-6, §16B-4-7, §16B-4-8, §16B-4-9, §16B-4-9a, §16B-4-10, §16B-4-11, §16B-4-12, §16B-4-12a, §16B-4-13, §16B-4-14, §16B-4-15, §16B-4-16, §16B-4-17, §16B-4-18, §16B-4-19, §16B-4-20, §16B-5-1, §16B-5-2, §16B-5-3, §16B-5-4, §16B-5-5, §16B-5-6, §16B-5-7, §16B-5-8, §16B-5-9, §16B-5-10, §16B-5-11, §16B-5-12, §16B-5-13, §16B-5-14, §16B-5-15, §16B-5-16, §16B-6-1, §16B-6-1a, §16B-6-2, §16B-6-3, §16B-6-3a, §16B-6-4, §16B-6-5, §16B-6-6, §16B-7-1, §16B-7-2, §16B-7-3, §16B-7-4, §16B-7-5, §16B-7-6, §16B-7-7, §16B-7-8, §16B-7-9, §16B-7-10, §16B-8-1, §16B-8-2, §16B-8-3, §16B-8-4, §16B-8-5, §16B-8-6, §16B-9-1, §16B-9-2, §16B-9-3, §16B-9-4, §16B-9-5, §16B-9-6, §16B-9-7, §16B-9-8, §16B-9-9, §16B-9-10, §16B-9-11, §16B-9-12, §16B-9-13, §16B-9-14, §16B-9-15, §16B-9-16, §16B-10-1, §16B-10-2, §16B-10-3, §16B-10-4, §16B-10-5, §16B-10-6, §16B-10-7, §16B-10-8, §16B-10-9, §16B-10-10, §16B-10-11, §16B-10-12, §16B-11-1, §16B-11-2, §16B-11-3, §16B-11-4, §16B-11-5, §16B-11-6, §16B-11-7, §16B-12-1, §16B-12-2, §16B-12-3, §16B-13-1, §16B-13-2, §16B-13-3, §16B-13-4, §16B-13-5, §16B-13-6, §16B-13-7, §16B-13-8, §16B-13-9, §16B-13-10, §16B-13-11, §16B-13-12, §16B-13-13, §16B-14-1, §16B-14-2, §16B-14-3, §16B-14-4, §16B-14-5, §16B-14-6, §16B-14-7, §16B-14-8, §16B-14-9, §16B-14-10, §16B-15-1, §16B-15-2, §16B-15-3, §16B-15-4, §16B-15-5, §16B-15-6, §16B-15-7, §16B-15-8, §16B-15-9, §16B-16-1, §16B-16-2, §16B-16-3, §16B-16-4, §16B-16-5, §16B-16-6, §16B-16-7, §16B-16-8, §16B-16-9, §16B-16-10, §16B-17-1, §16B-17-2, §16B-17-3, §16B-17-4, §16B-17-5, §16B-17-6, §16B-17-7, §16B-17-8, §16B-17-9, §16B-17-9a, §16B-17-10, §16B-17-11, §16B-17-12, §16B-17-13, §16B-17-14, §16B-17-15, §16B-17-16, §16B-17-17, §16B-17-18, §16B-17-19, §16B-17-20, §16B-18-1, §16B-18-2, §16B-18-3, §16B-18-

3a, §16B-18-4, §16B-18-5, §16B-18-6, §16B-18-7, §16B-18-8, §16B-18-9, §16B-18-10, §16B-18-11, §16B-18-12, §16B-18-13, §16B-18-14, §16B-18-15, §16B-18-16, §16B-18-17, §16B-18-18, §16B-18-19, §16B-18-20, §16B-19-1, §16B-19-2, §16B-19-3, §16B-19-4, §16B-19-5, §16B-19-6, §16B-19-7, §16B-20-1, §16B-20-2, §16B-20-3, §16B-20-4, §16B-20-5, §16B-21-1, §16B-21-2, and §16B-21-3; to amend and reenact §25-1B-7 of said code; to amend and reenact §27-1-9 of said code; to amend and reenact §27-1A-6 and §27-1A-7 of said code; to amend and reenact §27-9-1 and §27-9-2 of said code; to amend and reenact §27-17-1 and §27-17-3 of said code; to amend and reenact §49-1-203 of said code; and to repeal §49-9-101, §49-9-102, §49-9-103, §49-9-104, §49-9-105, §49-9-106, §49-9-107, §49-9-108, §49-9-109, and §49-9-110 of said code, all relating to the organization of the Office of the Inspector General; repealing code of programs related to the Office of the Inspector General; setting forth findings; setting forth duties and powers of the Inspector General; providing for rulemaking authority; setting forth qualifications for directors of Office of Health Facility Licensure and Certification and Investigations and Fraud Management; moving related units, programs, and commissions that are affiliated with the Office of the Inspector General into the same chapter; and conducting technical and stylistic amendments.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 300) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 399**, Creating crime of assault on a police dog.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 399) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 400**, Creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 400) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 400) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 426**, WV Recreational Trails Development Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 426) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 439**, Authorizing certain 911 personnel to be members of Emergency Medical Services Retirement System under certain circumstances.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 439 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 439) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 439) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 462**, Updating definitions of certain terms used in Personal Income Tax Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 462) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 462) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 483**, Amending Corporation Net Income Tax Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 483) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 483) takes effect from passage.

*Ordered,* That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 196, WV Rail Trails Program.**

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Senate Bill 262,** Clarifying procedure for administrative dissolution of corporations by Secretary of State.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 354,** Relating to the WV Advanced Energy and Economic Corridor Authority.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 357,** Permitting dental hygienist to perform tobacco cessation education.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 428,** Establishing appeals from administrative rulings are to be filed with Intermediate Court of Appeals.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 430,** WV Rent-to-Own Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 448**, Requiring age-appropriate instruction on Holocaust in public schools.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 318**, Modifying process of when parental rights are terminated.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 429**, WV Farm Use Vehicle Tag Placement Act.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Takubo.

The Senate then proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 23, 2024:

**Senate Bill 223:** Senator Chapman;

**Senate Bill 321:** Senators Stuart and Jeffries;

**Senate Bill 325:** Senator Deeds;

**Senate Bill 331:** Senator Roberts;

**Senate Bill 468:** Senator Maynard;

**Senate Bill 486:** Senator Grady;

**Senate Bill 487:** Senator Roberts;

**Senate Bill 491:** Senator Grady;

**Senate Bill 502:** Senator Roberts;

**Senate Bill 508:** Senator Nelson;

**Senate Bill 510:** Senators Taylor and Woelfel;

**Senate Bill 511:** Senators Chapman and Smith;

**Senate Bill 514:** Senator Woelfel;

**Senate Bill 515:** Senators Smith, Taylor, and Roberts;

**Senate Bill 517:** Senators Smith, Roberts, and Grady;

**Senate Bill 520:** Senators Chapman, Rucker, and Taylor;

**Senate Bill 527:** Senators Rucker and Taylor;

**Senate Joint Resolution 4:** Senator Grady;

**Senate Joint Resolution 5:** Senator Grady;

**Senate Joint Resolution 6:** Senator Grady;

**Senate Joint Resolution 7:** Senator Grady;

**Senate Resolution 8:** Senator Hamilton;

And,

**Senate Resolution 9:** Senator Hamilton.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:43 a.m., the Senate adjourned until tomorrow, Thursday, January 25, 2024, at 11 a.m.

---

## THURSDAY, JANUARY 25, 2024

The Senate met at 11 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Pastor Lee Swor, Mount Pleasant Baptist Church, Elkview, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patrick S. Martin, a senator from the twelfth district.

Pending the reading of the Journal of Wednesday, January 24, 2024,

At the request of Senator Roberts, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communication from a state agency as required by the provisions of law:

Tourism, Department of (§5B-2I-4)

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

**Senate Concurrent Resolution 16**, Urging US Congress enact reforms to federal permitting policies to accelerate deployment of new energy infrastructure.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

**Senate Concurrent Resolution 17**, Reaffirming support of WV Legislature for State of Israel and Jewish people.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4026**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4620**—A Bill to amend and reenact §16-2-16 of the Code of West Virginia, 1931, as amended, relating to food handler permit; removing the expiration date of a food handler permit; requiring local health departments to adopt the minimum guidelines adopted by the bureau; permitting continuing education and providing a volunteer exemption.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4666**—A Bill to amend and reenact §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, and §61-14-8 of the Code of West Virginia, all relating to increasing criminal penalties for human trafficking; establishing limitations on parole; and providing immunity from criminal liability for juvenile victims.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4874**—A Bill to amend and reenact §61-12A-1, §61-12A-2, §61-12A-3 and §61-12A-4, of the Code of West Virginia, 1931, as amended; and to repeal §61-12A-5 of said code, all relating to fatality and mortality review team; providing team members; updating the authority of review team; removing the study of certain deaths; removing advisory boards; requiring certain reports; and eliminating required reporting and analysis.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 188**, Mountain Homes Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 188** (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2P-1, §5B-2P-2, §5B-2P-3, §5B-2P-4, §5B-2P-5, §5B-2P-6, §5B-2P-7, §5B-2P-8, §5B-2P-9, §5B-2P-10, §5B-2P-11, §5B-2P-12, and §5B-2P-13, all relating to creating the Mountain Homes Act; setting out a short title; setting out legislative findings; defining terms; authorizing rulemaking; providing an effective date; providing for a sunset date; creating the Mountain Homes Fund; providing for the purposes of the fund; providing for administration of the fund; providing for recordkeeping; requiring reporting to the Joint Committee on Government and Finance and the Governor; setting out required elements for the report; exempting certain materials from the Freedom of Information Act; establishing criteria for eligibility for use of funds; requiring an application for use of funds; setting out elements necessary to be included on the application; providing for

exclusions from use of funds; providing for application approval; establishing evaluation standards and criteria; providing for a final agreement; setting out terms of the agreement; allowing for an extension of time; requiring adjacent properties to be subject to additional approval; providing for administration of the act; setting out powers and duties of the Economic Development Authority; and providing for a criminal penalty for a false statement.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Glenn D. Jeffries,  
*Chair.*

The bill (Com. Sub. for S. B. 188), under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 189**, Providing for substantial deference to state school superintendent's interpretations of school laws.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 451**, Requiring mandatory training for prosecutors provided by Prosecuting Attorneys Institute.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 451** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §7-4-6 of the Code of West Virginia, 1931, as amended, relating to training of newly appointed or elected prosecuting attorneys; and directing the Prosecuting Attorneys Institute to conduct the training for all newly appointed and newly elected prosecuting attorneys.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on the Judiciary.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 461**, Relating to county economic opportunity development districts.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Glenn D. Jeffries,  
*Chair.*

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senators Jeffries, Grady, Hamilton, Nelson, Phillips, Smith, Swope, Takubo, Weld, and Woelfel:**

**Senate Bill 544**—A Bill to amend and reenact §8-16-5 of the Code of West Virginia, 1931, as amended, relating to raising the threshold from \$25,000 to \$50,000 for the requirement of bids for municipal public works projects.

Referred to the Committee on Economic Development.

**By Senators Grady, Rucker, Takubo, and Woodrum:**

**Senate Bill 545**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-9H-1, §16-9H-2, §16-9H-3, §16-9H-4, §16-9H-5, §16-9H-6, and §16-9H-7, all relating to creating an e-cigarette and e-cigarette liquids directory; regulating the distribution and sale of e-cigarettes and e-cigarette liquid; requiring manufacturers to obtain market authorization from the United States Food and Drug Administration prior to the sale of e-cigarettes or e-cigarette liquids; providing manufacturers notice and the opportunity to be heard before removal from the directory; prohibiting the sale of e-cigarettes or e-cigarette liquids not listed on the directory; requiring unannounced compliance checks for retailers and wholesalers of electronic cigarettes; prescribing fines and penalties; requiring foreign manufacturers to designate an agent for service of process; designating the Secretary of State as an agent for service of process for resident manufacturers; and providing enforcement and rule-making authority to the Tax Commissioner and the Alcohol Beverage Control Administration Commissioner.

Referred to the Committee on Government Organization.

**By Senator Grady:**

**Senate Bill 546**—A Bill to amend and reenact §18C-6-1, §18C-6-2, §18C-6-3, §18C-6-4, §18C-6-5, and §18C-6-6 of the

Code of West Virginia, 1931, as amended, all relating to the engineering, science, and technology scholarship; expanding scholarship to include science, technology, engineering, and mathematics; removing obsolete language; updating obsolete references to senior administrator; removing authorization for rule to provide for satisfaction of the work requirement through certain community service; updating name of the scholarship fund; removing limits on new scholarships and outstanding scholarships; removing and revising definitions; updating obsolete references to governing boards; requiring Vice Chancellor for Administration to select the scholarship recipients rather than an agency or panel; replacing term resident alien; reducing requirements for the program an applicant must be enrolled in or accepted for enrollment in; removes language pertaining to collection and gathering of information on the views of interested parties; expanding educational programs application forms are to be made available to; removing requirement that not less than 20 percent of appropriated funds be awarded to students enrolled in certificate and associate degree programs; revising conditions for members of the United States armed forces to be considered as meeting employment requirement; revising exception for recipient being in violation of agreement pertaining to pursuing full-time course of study; and allowing submission of death certificate for purposes of forgiving repayment.

Referred to the Committee on Education.

**By Senator Grady:**

**Senate Bill 547**—A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding Guidelines for Employing and Evaluating Presidents; Higher Education Adult Part-Time Student Grant Program; West Virginia Providing Real Opportunities for Maximizing In-State Student Excellence Scholarship Program; Dual Enrollment Pilot Program; West Virginia Science, Technology, Engineering, and Math Scholarship Program; West Virginia Higher Education Grant Program; Nursing Scholarship

Program; authorizing legislative rules for the Council for Community and Technical College Education regarding Higher Education Accountability System; Dual Enrollment Pilot Program; Initial Authorization of Degree-Granting Institutions; Tuition and Fees; and repealing the Council for Community and Technical College Education's rule regarding Accountability System.

Referred to the Committee on Education.

**By Senator Trump:**

**Senate Bill 548**—A Bill to amend and reenact §51-11-4 of the Code of West Virginia, 1931, as amended, relating to the appellate jurisdiction of the Intermediate Court of Appeals.

Referred to the Committee on the Judiciary.

**By Senators Phillips, Jeffries, and Smith:**

**Senate Bill 549**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-9-2b, relating to permitting investigators in the State Tax Division to carry concealed weapons.

Referred to the Committee on Government Organization.

**By Senator Phillips:**

**Senate Bill 550**—A Bill to amend and reenact §5-10-22m of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-7A-26x of said code, all relating to the Public Employees Retirement System and the State Teachers Retirement System; providing a one-time bonus of \$1,500 for certain annuitants; and providing for an exclusion for persons who have already received a one-time bonus.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 551**—A Bill to amend and reenact §8-13A-12 of the Code of West Virginia, 1931, as amended, relating to business improvement districts; and modifying requirements related to levy of service fees.

Referred to the Committee on Government Organization.

**By Senator Jeffries:**

**Senate Bill 552**—A Bill to amend and reenact §11-15-9n of the Code of West Virginia, 1931, as amended, relating to the consumers sales and service tax and use tax exemption for qualified purchases of computers and computer software, primary material handling equipment, racking and racking systems, and components, building materials and certain tangible personal property to be incorporated into a qualified, new or expanded warehouse or distribution facility; changing threshold jobs creation number from 300 to 50; and making stylistic changes.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senators Roberts, Azinger, Chapman, Hunt, Karnes, Martin, Maynard, Rucker, Smith, Stuart, and Taylor:**

**Senate Bill 553**—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to creating a religious exemption for school attendance vaccines requirements.

Referred to the Committee on Health and Human Resources.

**By Senators Oliverio, Jeffries, and Weld:**

**Senate Bill 554**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §46A-2-140, relating to defining veterans benefits matters; identifying actions that constitute representation and compensation for representing a person seeking veterans benefits; requiring any such representation comply with federal law; and providing that a violation of this section is an unlawful practice and a violation of the West Virginia Consumer Credit and Protection Act.

Referred to the Committee on Military; and then to the Committee on the Judiciary.

**By Senator Oliverio:**

**Senate Bill 555**—A Bill to amend and reenact §21-5-5c and §21-5-5d of the Code of West Virginia, 1931, as amended, all relating to licensure for polygraph examiners; removing state

licensure requirements for polygraph examiners; and updating criminal penalties associated with removing state licensure.

Referred to the Committee on Government Organization.

**By Senators Oliverio, Deeds, Hunt, Rucker, Takubo, Tarr, Trump, and Weld:**

**Senate Bill 556**—A Bill to amend and reenact §15-2B-2, §15-2B-3, §15-2B-5, §15-2B-6, §15-2B-9, and §15-2B-11 of the Code of West Virginia, 1931, as amended, all relating to deoxyribonucleic acid that is maintained for law-enforcement purposes in West Virginia; providing updates for the policy of maintaining deoxyribonucleic acid; requiring deoxyribonucleic acid testing of all persons convicted of felonies and certain misdemeanors; updating definitions; adding language to further define and include qualified arrestees in the state deoxyribonucleic acid database; requiring testing of qualified arrestees on intake; specifying testing methods; authorizing emergency, and requiring, legislative rules; specifying expungement for qualified arrestees in certain circumstances; and providing failure to expunge or reasonably delay expungement will not invalidate an identification, warrant, probable cause to arrest or arrest based upon a database match.

Referred to the Committee on the Judiciary.

**By Senators Oliverio and Caputo:**

**Senate Bill 557**—A Bill to amend and reenact §8-15-10a of the Code of West Virginia, 1931, as amended, relating to compensation for firefighters who are required to work holidays.

Referred to the Committee on Government Organization.

**By Senator Azinger:**

**Senate Bill 558**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-22-1, §18B-22-2, §18B-22-3, and §18B-22-4, all relating to requiring publicly funded medical schools to teach the most current evidence-based, life-saving methods including abortion pill reversal; providing definitions; setting forth consequences for

noncompliance of standard education practices; and providing finding that this article is necessary for the immediate preservation of the public peace, health, or safety.

Referred to the Committee on Education; and then to the Committee on Health and Human Resources.

**By Senator Phillips:**

**Senate Bill 559**—A Bill to repeal §21-6-3, §21-6-4, and §21-6-8a of the Code of West Virginia, 1931, as amended; and to amend and reenact §21-6-5, §21-6-8, and §21-6-10 of said code, all relating to eliminating requirement that 14 or 15 year olds obtain a work permit; establishing that employer seeking to hire a child 14 or older receive an age certificate from the commission prior to employing the child; providing commissioner the authority to issue age certificates for children ages 14 and over; and providing penalties for a person that issues an age certificate in violation of the article.

Referred to the Committee on the Workforce.

**By Senator Maynard:**

**Senate Bill 560**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-3G-1, §30-3G-2, §30-3G-3, §30-3G-4, §30-3G-5, and §30-3G-6, all relating to creating the Medical Ethics Defense Act to protect medical practitioners, healthcare institutions, and healthcare payers from discrimination, punishment, or retaliation as a result of any instance of conscientious medical objection; providing short title; providing for definitions, legislative findings, and purpose; providing rights of conscience of medical practitioners, healthcare institutions, and healthcare payers; providing for whistleblower protection; and setting forth civil remedies.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 561**—A Bill to amend and reenact §18A-4-7a of the Code of West Virginia, 1931, as amended, relating to reducing

the number of days for which completion of employment in any one school year, substitute teachers, except retired teachers and other retired professional educators employed as substitutes, accrue seniority exclusively for the purpose of applying for employment as a permanent, full-time professional employee and for which that number of days or more of employment is prorated and vests as a fraction of the school year.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senators Roberts, Azinger, Deeds, Hunt, Karnes, Martin, Oliverio, and Swope:**

**Senate Bill 562**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-8-2a, relating to expanding the employment and training requirements necessary to receive Supplemental Nutrition Assistance Program benefits; defining and developing exemptions; clarifying the secretary's duties when there is a lack of funding or inability to provide employment and training; and identifying when assignments to the employment and training program may not be suspended.

Referred to the Committee on the Workforce.

**By Senator Grady:**

**Senate Bill 563**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-16-6; to amend and reenact §18C-3-4 of said code; to repeal §30-7A-7a of said code; and to repeal §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, and §30-7B-7 of said code, all relating to abolishing the Center for Nursing; repealing the supplemental licensure fee for licensed practical nurses, which funds the Center for Nursing; creating within the Higher Education Policy Commission an Office of Nursing Education and Workforce Development; moving the functions of the Center for Nursing to the Office of Nursing Education and Workforce Development; changing name of Center for Nursing Fund to Nursing Scholarship and Workforce Fund; transferring certain fund-related duties from the Vice Chancellor for Administration to the Chancellor;

modifying funding sources for the fund; and limiting application of the award eligibility requirement that a student in a registered nurse program have completed half of the program to only those students in pre-licensure programs.

Referred to the Committee on Education; and then to the Committee on Health and Human Resources.

The Senate proceeded to the seventh order of business.

**Senate Resolution 11**, Designating January 25, 2024, as Veterans Appreciation Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Weld regarding the adoption of Senate Resolution 11 were ordered printed in the Appendix to the Journal.

**Senate Resolution 12**, Recognizing January 21-January 27 as National School Choice Week.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Rucker, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 262**, Clarifying procedure for administrative dissolution of corporations by Secretary of State.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 262) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 354**, Relating to the WV Advanced Energy and Economic Corridor Authority.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 354 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 354) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Plymale regarding the passage of Engrossed Committee Substitute for Senate Bill 354 were ordered printed in the Appendix to the Journal.

**Eng. Senate Bill 357**, Permitting dental hygienist to perform tobacco cessation education.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 357) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 428**, Establishing appeals from administrative rulings are to be filed with Intermediate Court of Appeals.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 428) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 430**, WV Rent-to-Own Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 430) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 196**, WV Rail Trails Program.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Com. Sub. for Senate Bill 318**, Modifying process of when parental rights are terminated.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 429**, WV Farm Use Vehicle Tag Placement Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 448**, Requiring age-appropriate instruction on Holocaust in public schools.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 36**, Authorizing Department of Homeland Security to promulgate legislative rules.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 222**, Exempting WV veterans from certain fees and charges at state parks.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 261,** WV Veterans' Home Loan Mortgage Program of 2024.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 302,** Authorizing child sexual abuse and sexual violence prevention program and in-service training in child sexual abuse prevention.

On first reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Com. Sub. for Senate Bill 321,** Limiting municipalities' authority to restrict purchase and storage of weapons and ammunition.

On first reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Senate Bill 410,** Requiring all state buildings provide private room for nursing or breastfeeding purposes.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 445,** Reducing certification periods and renewal fees for EMS personnel.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 468,** Requiring course in public schools on human development.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Woelfel.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Woelfel were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on January 24, 2024:

**Senate Bill 467:** Senator Deeds;

And,

**Senate Bill 488:** Senator Woelfel.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 24, 2024:

**Senate Bill 301:** Senator Plymale;

**Senate Bill 374:** Senator Plymale;

**Senate Bill 383:** Senator Plymale;

**Senate Bill 401:** Senator Woodrum;

**Senate Bill 402:** Senator Woodrum;

**Senate Bill 403:** Senator Woodrum;

**Senate Bill 404:** Senator Woodrum;

**Senate Bill 405:** Senator Woelfel;

**Senate Bill 424:** Senator Woodrum;

**Senate Bill 425:** Senator Woelfel;

**Senate Bill 451:** Senator Deeds;

**Senate Bill 461:** Senators Plymale and Queen;

**Senate Bill 467:** Senator Plymale;

**Senate Bill 473:** Senator Deeds;

**Senate Bill 476:** Senator Plymale;

**Senate Bill 500:** Senator Plymale;

**Senate Bill 515:** Senator Tarr;

**Senate Bill 529:** Senator Caputo;

**Senate Bill 531:** Senator Takubo;

**Senate Bill 533:** Senators Takubo and Plymale;

**Senate Bill 535:** Senator Chapman;

**Senate Bill 536:** Senators Woelfel and Chapman;

**Senate Bill 539:** Senator Trump;

**Senate Concurrent Resolution 9:** Senator Plymale;

**Senate Resolution 11:** Senators Caputo, Chapman, Plymale, Jeffries, and Woelfel;

And,

**Senate Resolution 12:** Senators Roberts and Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:33 a.m., the Senate adjourned until tomorrow, Friday, January 26, 2024, at 9 a.m.

---

## FRIDAY, JANUARY 26, 2024

The Senate met at 9:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Glenn D. Jeffries, a senator from the eighth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Donna J. Boley, a senator from the third district.

Pending the reading of the Journal of Thursday, January 25, 2024,

At the request of Senator Barrett, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4595**—A Bill to amend and reenact §16-29E-2, §16-29E-3, §16-29E-5 §16-29E-6 and §16-29E-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections designated, §16-29E-8, §16-29E-9, §16-29E-10 and §16-29E-11, all relating to the Legislative Oversight Commission on Health and Human Resources Accountability; providing legislative intent; providing legislative finding; providing a purpose; defining terms; updating the powers of the commission; providing another option for subpoena compliance; permitting the commission to enter into executive sessions; exempting certain information from the Freedom of Information Act; requiring the development of

performance measures; requiring the department to report; and updating information the commission is required to report.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4683**—A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-4-712a, all relating to requiring parents, guardians, or custodians to participate in programs for juveniles in an out-of-home placement unless there is a finding by the court that said participation is not in the best interest of the juvenile; requiring appointment of legal counsel for any parent, guardian, or custodian that is ordered to participate in services or treatment proscribed by this section; requiring provisions in a valid court order to enforce certain compliance mandating that parents, guardians, or custodians participate in programs for juveniles in an out-of-home placement; and requiring parents, guardians, or custodians to participate in programs designed for out-of-home placement including family therapy sessions offered by the treatment provider unless there is a finding by the court that said participation is not in the best interest of the juvenile or that participation would place an undue hardship upon any parent, guardian, or custodian.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4756**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5R-8, relating to the creation of a state Alzheimer's plan task force; providing membership; providing

authority; requiring completion of certain tasks; requiring reports; providing a termination date.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4768**—A Bill to amend and reenact §18C-3-5 of the Code of West Virginia, 1931, as amended, all relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia; and requiring each medical student that participates in the program to practice in a medically underserved area and in a primary care or specialty practice or field in which there is a shortage of physicians.

Referred to the Committee on Education; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4769**—A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-1-1 of said code, all relating to public-school counselors; adding exclusions for school counselors; and clarifying the definition and job duties of school counselors.

Referred to the Committee on Education; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4793**—A Bill to amend and reenact §60-6-10 of the Code of West Virginia, 1931, as amended, relating to

allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption.

Referred to the Committee on Government Organization.

The Senate proceeded to the fourth order of business.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 265**, Increasing value at which municipal property must be sold through public auction.

And,

**Senate Bill 402**, Authorizing US Concealed Carry Association to provide concealed carry classes in WV.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 474**, Creating critical incident review team.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 474** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,

designated §61-12B-1, §61-12B-2, §61-12B-3, §61-12B-4, and §61-12B-5, all relating to critical incident reporting; creating a Critical Incident Review Team; setting forth duties of the Critical Incident Review Team; requiring reporting of the Critical Incident Review Team; setting forth date of report; providing Critical Incident Review Team with access to information; and setting forth confidentiality.

And,

**Senate Bill 475**, Relating to recovery residences.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 475** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-59-1, §16-59-2, and §16-59-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-59-4; and to amend and reenact §16-62-1 and §16-62-2 of said code, all relating to recovery residences; defining terms; amending the accreditation program to include protecting residents from human trafficking and patient brokering; requiring the collection of data from recovery residences; requiring the data collected be uniform among recovery residences; requiring rulemaking regarding the data to be collected; requiring stakeholder engagement to develop the rules; setting forth minimum data content; providing that the data shall be shared; providing privacy restrictions on data; requiring documentation verifying initial and continued registration be submitted; permitting an immediate jeopardy notice to be served in person; prohibiting recovery residence that has received a suspension or revocation notice from taking new residents; providing procedure for immediate jeopardy; permitting immediate revocation of certification if immediate jeopardy is not corrected prior to certifying agency leaving the premises; requiring transfer of residents in event immediate jeopardy is not corrected and setting forth timeframe; prohibiting recovery residence without a certificate of compliance from receiving a referral from stated entities; providing for a penalty if the referral is received in

violation of this article; deleting requirement that certifying agency maintain and publish a list of recovery residences; clarifying that referral shall not be made unless recovery residence has a valid certificate of compliance; prohibiting all recovery residences from receiving funds from a resident that is in the form of a state benefit unless it holds a valid certificate of compliance; increasing penalties for violations; requiring all recovery residences to register with the Office of Health Facility Licensure and Certification; setting forth procedure for registration; permitting fee; setting term of registration as one year; providing for penalty for failure to register; providing due process; clarifying that recovery residences are subject to the Patient Brokering Act; requiring the Office of the Inspector General to review data to determine if violations of the Patient Brokering Act have occurred; requiring referral to state, or local law-enforcement authorities to coordinate, investigate, or prosecute violations; requiring state or local law enforcement to investigate referral; permitting Office of Inspector General and certifying agency to coordinate investigations; permitting rulemaking; requiring the Office of Inspector General to receive data regarding recovery residences; and specifying document handling specifications.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 477**, Prohibiting public disclosure of personal information on internet.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 477** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-8-25; and to amend said code by adding thereto a new section, designated §61-3C-14d, all relating to providing for removal of health care worker's personal information from records on the internet in certain circumstances; prohibiting public disclosure of health care worker's personal information on the internet in certain circumstances; defining terms; and providing penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 482**, Relating generally to lobbying rules.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 482** (originating in the Committee on Government Organization)—A Bill to amend and reenact §6B-2-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6B-3-1, §6B-3-2, §6B-3-3, §6B-3-3c, and §6B-3-5 of said code, all relating to the Ethics Commission's rule-making authority; altering scope of commission's rule-making authority; removing authority of commission to promulgate rule regarding registration of persons exempt from lobbyist registration requirements; removing requirement that specifications for lobbyist photograph be established by rule; removing requirement that commission establish fee for lobbyist training by rule; and

establishing that sponsors of grassroots lobbying campaigns report certain information on expenditures over \$5,000.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

The bill (Com. Sub. for S. B. 482), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 487**, Requiring periodic review of professional development for teachers and education staff.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 502**, Allowing Teachers Retirement System members to exchange unused leave for monetary compensation.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 503**, Protecting belief-based student organizations from certain types of discrimination.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Joint Resolution 5**, Homestead Exemption for Disabled Veterans Amendment.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Joint Resolution 5** (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to providing for a homestead exemption for veterans with 90 percent or greater service-connected disabilities; numbering and designating such proposed amendment; and providing a summarized statement of such proposed amendment.

With the recommendation that the committee substitute be adopted; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The resolution (Com. Sub. for S. J. R. 5), under the original double committee reference, was then referred to the Committee on Finance.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Resolution 6**, Honoring life of Edith Levy, Holocaust survivor.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Resolution 6** (originating in the Committee on Government Organization)—Honoring the life Edith Levy, a Holocaust survivor, and a remarkable woman, who dedicated her life to educating others about the horrors of genocide and the importance of tolerance and compassion.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. House Bill 4252**, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Jeffries:**

**Senate Bill 564**—A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, relating to a tax credit for apprenticeship training; eliminating requirement that the credit base be limited to wages paid to apprentices in the construction trades; and specifying an effective date.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senator Jeffries:**

**Senate Bill 565**—A Bill to amend and reenact §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend and

reenact §11-13Y-5 of said code, all relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senators Takubo and Tarr:**

**Senate Bill 566**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5R-8, relating to creating a state Alzheimer's plan task force.

Referred to the Committee on Health and Human Resources.

**By Senators Taylor, Clements, Hamilton, Maynard, and Stuart:**

**Senate Bill 567**—A Bill to amend and reenact §16-5B-19 of the Code of West Virginia, 1931, as amended, relating to providing immunity from liability for hospitals that have established a hospital police department if a loss or claim results from the failure to provide police protection.

Referred to the Committee on the Judiciary.

**By Senators Taylor, Azinger, Boley, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Oliverio, Phillips, Roberts, Smith, Stover, Stuart, and Swope:**

**Senate Bill 568**—A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-4-702 of said code, all relating to student absences; changing focus from truancy and unexcused absences to a multi-tiered system of support in all absences, both excused and unexcused; defining "absence", "absenteeism", and "multi-tiered system of support"; limiting the number of parental excuses that can be accepted each school year as documentation that an absence is excused; requiring county attendance director and assistant to ensure the implementation of multi-tiered system of support

interventions; requiring meaningful contact with parent, guardian, or custodian after three consecutive absences rather than after three unexcused absences; requiring meaningful contact with the parent, guardian, or custodian after five absences of any kind rather than after five unexcused absences; requiring the attendance director or assistants provide notice to parent after 10 absences of any kind, which shall serve as due notice; requiring the principal or designee to ensure student support staff provide intentional interventions; authorizing the attendance director or assistant to make a complaint before a magistrate of the county after 17 total absences of any kind; removing requirement for attendance director and assistant directors to prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance; removing requirement for West Virginia Board of Education rule that sets forth absences that are excluded for accountability purposes; removing requirement that attendance director file with the county superintendent and county board at the close of each month showing activities of the school attendance office and the status of attendance in the county; recognizing that the existing definition of "neglected child" includes failure to supply necessary education; referring to existing school personnel reporting requirement applicable in certain cases pertaining to child neglect; and making referral for the development of a diversion program in truancy offense matters discretionary.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

**By Senator Taylor:**

**Senate Bill 569**—A Bill to amend and reenact §8-12-5 of the Code of West Virginia, 1931, as amended, relating to allowing municipalities to complete work previously requested to the Division of Highways, with a provision for payment.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Hunt:**

**Senate Bill 570**—A Bill to amend and reenact §6B-2-2, §6B-2-3a, and §6B-2-4 of the Code of West Virginia, 1931, as amended,

all relating to creating a statute of limitations on ethics complaints; and establishing a right to appeal to circuit court if a complaint is not resolved in 30 days.

Referred to the Committee on Government Organization.

**By Senators Hamilton and Martin:**

**Senate Bill 571**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-11-1, §5B-11-2, and §5B-11-3, all relating to creating the West Virginia Advanced Energy and Economic Corridor Authority Commission; legislative findings; and requiring annual reporting to the Joint Committee on Government and Finance.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 572**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5EE-1, §16-5EE-2, §16-5EE-3, §16-5EE-4, §16-5EE-5, §16-5EE-6, §16-5EE-7, §16-5EE-8, and §16-5EE-9, all relating to recruitment of forensic pathologists; setting forth purpose; defining terms; setting forth eligibility criteria; setting forth required loan repayment documents and procedure; designating the Department of Health to administer the program; setting forth award requirements and procedure; creating a fund; requiring rulemaking; and setting forth minimum salary.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senators Woelfel, Plymale, and Caputo:**

**Senate Bill 573**—A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to permitting medical marijuana to be prescribed in edible form; removing the restrictions that prevent medical marijuana from being prescribed in edible form; and providing restrictions related to the shape of the edible product.

Referred to the Committee on the Judiciary.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 574**—A Bill supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2024, organization 0803, for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 575**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, §16-67-6, §16-67-7, §16-67-8, §16-67-9, §16-67-10, §16-67-11, §16-67-12, §16-67-13, §16-67-14, §16-67-15, §16-67-16, and §16-67-17, all relating to assisted reproduction; defining terms; setting forth criteria to enter into gestational or genetic surrogacy agreement; requiring surrogacy agreement to be executed; setting forth process for agreement; setting forth content of agreement; setting forth effect of subsequent change in marital status in the agreement; setting forth exclusive and continuing jurisdiction of the court; providing for termination of the surrogacy agreement; providing for parentage of the gestational surrogacy agreement; providing for parentage of deceased intended parent; providing for order of parentage; providing for the effect of the gestational surrogacy agreement; providing for the requirements to validate a genetic surrogacy agreement; providing for termination of a genetic surrogacy agreement; providing for parentage under a validated genetic surrogacy agreement; providing for the effect of a non-validated genetic surrogacy agreement; providing for the parentage of the child in the event of a deceased parent in a genetic surrogacy agreement; and providing for breach of a genetic surrogacy agreement.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Takubo:**

**Senate Bill 576**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§49-2-111d, relating to reimbursement for child care based upon enrollment.

Referred to the Committee on Health and Human Resources.

**By Senator Maynard:**

**Senate Bill 577**—A Bill to amend and reenact §19-25-3, §19-25-4, §19-25-5, and §19-25-6 of the Code of West Virginia, 1931, as amended, all relating generally to limiting landowner liability for injuries to, or caused by, persons entering or going upon land for noncommercial recreational purposes, wildlife propagation purposes, military training purposes, law-enforcement training purposes, or homeland defense training purposes; substituting the term "fee" for the term "charge"; defining the term "fee"; providing that for the purposes of limiting landowner liability, a fee does not include a fee for an annual event or occurrence, if the total of such fees in a year does not exceed \$25 per individual; providing that for the purposes of limiting landowner liability, a fee does not include voluntary donations to certain charitable entities; amending the term "land" to include premises; amending the definition of the term "owner of land" to specifically include any person holding legal possession, ownership, or partial ownership of an interest in land, or a person sponsoring land, or premises for volunteer improvement or maintenance purposes; amending the definition of the term "recreational purposes" to specifically include parking on, or traversing land to engage in recreational activities, and maintaining, or making improvements to, land for the purpose of making recreational activities accessible; naming the activities of rock climbing, bouldering, and kayaking as being activities within the definition of "recreational purposes"; and making numerous technical corrections.

Referred to the Committee on Outdoor Recreation; and then to the Committee on the Judiciary.

**By Senators Trump and Woelfel:**

**Senate Bill 578**—A Bill to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating to clarifying that the offense of burglary involves a dwelling or outbuilding belonging to another; and establishing penalties.

Referred to the Committee on the Judiciary.

**By Senators Woelfel and Caputo:**

**Senate Bill 579**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22o; and to amend said code by adding thereto a new section, designated §18-7A-26z, all relating to providing a \$1,000 cost-of-living adjustment to certain retirees of the Public Employees Retirement System and the State Teachers Retirement System; and providing for the pro rata distribution of the cost-of-living adjustment to certain beneficiaries.

Referred to the Committee on Finance.

**By Senators Rucker, Azinger, Chapman, Maynard, and Smith:**

**Senate Bill 580**—A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §20-7-4 of said code; and to amend said code by adding thereto two new sections, designated §62-1A-12 and §62-1A-13, all relating to warrantless entry of private lands; setting forth limitations of entry onto private lands; clarifying the process for law-enforcement entry onto posted private lands; and clarifying the use of surveillance cameras on or near posted private lands; searches and seizures on private lands; including the use of an unmanned aerial vehicle to enter or otherwise gather information from private land as a search requiring a search warrant or other recognized exception for searches and seizures in open fields; providing a definition; providing for abolishing the common law open fields doctrine; prohibiting surveillance cameras on private property; and providing exceptions.

Referred to the Committee on Agriculture and Natural Resources; and then to the Committee on the Judiciary.

Senator Karnes offered the following resolution:

**Senate Resolution 13**—Recognizing Myles Lumber Company of Randolph County, West Virginia, as West Virginia's Outstanding Tree Farmer for 2023.

Which, under the rules, lies over one day.

Senator Smith offered the following resolution:

**Senate Resolution 14**—Designating January 29, 2024, as Future Farmers of America Day at the Legislature.

Which, under the rules, lies over one day.

Senators Oliverio, Blair (Mr. President), Tarr, Grady, Taylor, Queen, Caputo, and Weld offered the following resolution:

**Senate Resolution 15**—Designating January 29, 2024, as Fairmont State University Day at the Legislature.

Which, under the rules, lies over one day.

Senators Nelson, Takubo, Blair (Mr. President), Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, and Woodrum offered the following resolution:

**Senate Resolution 16**—Supporting the preservation of the Charleston, West Virginia, Processing and Distribution Center.

At the request of Senator Nelson, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, and on this question, Senator Nelson demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 16) adopted.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senators Nelson and Plymale regarding the adoption of Senate Resolution 16 were ordered printed in the Appendix to the Journal.

Senator Grady offered the following resolution:

**Senate Resolution 17**—Recognizing Riley Gaines as an ambassador for the Independent Women's Forum, and an advocate for women's equality in sports.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 318**, Modifying process of when parental rights are terminated.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 318) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 429**, WV Farm Use Vehicle Tag Placement Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 429) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 36**, Authorizing Department of Homeland Security to promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 196**, WV Rail Trails Program.

On second reading, coming up in regular order, was read a second time.

On motions of Senators Maynard and Taylor, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 1, line 4, by striking out the words "(c) temporality suspended; or (d)" and inserting in lieu thereof the words "or (c)";

And,

On page 4, section 5, line 29, after the word "code" by changing the period to a colon and inserting the following proviso: *Provided*, That the Division of Multimodal Transportation Facilities do not use the power of eminent domain.

The bill (Com. Sub. for S. B. 196), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 222**, Exempting WV veterans from certain fees and charges at state parks.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 261**, WV Veterans' Home Loan Mortgage Program of 2024.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 410**, Requiring all state buildings provide private room for nursing or breastfeeding purposes.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Finance.

**Com. Sub. for Senate Bill 445**, Reducing certification periods and renewal fees for EMS personnel.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 468**, Requiring course in public schools on human development.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

The Senate proceeded to the tenth order of business.

**Senate Bill 189**, Providing for substantial deference to state school superintendent's interpretations of school laws.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 451**, Directing Prosecuting Attorneys Institute to make training available to certain new prosecuting attorneys.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Senate Bill 461**, Relating to county economic opportunity development districts.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Phillips.

At the request of Senator Phillips, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the passing of William "Tootie" Carter, former football coach at Man High School.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Phillips were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on January 25, 2024:

**Senate Bill 545:** Senator Grady.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 25, 2024:

**Senate Bill 320:** Senator Jeffries;

**Senate Bill 392:** Senator Deeds;

**Senate Bill 402:** Senators Takubo, Phillips, and Jeffries;

**Senate Bill 467:** Senator Deeds;

**Senate Bill 474:** Senators Takubo and Deeds;

**Senate Bill 475:** Senators Deeds, Azinger, Plymale, and Jeffries;

**Senate Bill 477:** Senator Deeds;

**Senate Bill 502:** Senator Takubo;

**Senate Bill 503:** Senators Maynard, Roberts, Deeds, and Azinger;

**Senate Bill 532:** Senator Hamilton;

**Senate Bill 545:** Senators Woelfel and Hamilton;

**Senate Bill 553:** Senator Phillips;

**Senate Bill 557:** Senators Hamilton and Grady;

**Senate Bill 562:** Senator Smith;

**Senate Bill 563:** Senator Rucker;

**Senate Joint Resolution 7:** Senator Roberts;

**Senate Resolution 6:** Senators Takubo and Jeffries;

And,

**Senate Resolution 11:** Senators Rucker and Hamilton.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 9:32 a.m., the Senate adjourned until Monday, January 29, 2024, at 11 a.m.

---

## MONDAY, JANUARY 29, 2024

The Senate met at 11 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Chandler Swope, a senator from the sixth district.

Pending the reading of the Journal of Friday, January 26, 2024,

At the request of Senator Queen, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

**Eng. Com. Sub. for Senate Bill 269**, Excluding test strips from definition of drug paraphernalia.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect January 1, 2025, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4205**—A Bill to amend and reenact §3-1-45 of the Code of West Virginia, 1931, as amended, relating to legal standing of the West Virginia Legislature in court actions related to unauthorized changes to election laws and rules; and identifying the Legislature as a necessary party.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4814**—A Bill to amend and reenact §18B-1D-11 of the Code of West Virginia, 1931, as amended, relating to extending the reporting and sunset dates of the State Advisory Council on Postsecondary Attainment Goals.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 313**, Requiring doula services be covered and reimbursed by Medicaid and PEIA.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 313** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §9-1-2 of said code; and to amend and reenact §9-5-12 of said code, all relating to allowing for doula reimbursement under the West Virginia Public Employees Insurance Act and Medicaid.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The bill (Com. Sub. for S. B. 313), under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 320**, Removing requirement for wineries to serve food when serving wine.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 320** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60-4-3b of the Code of West Virginia, 1931, as amended; to amend and reenact §60-6-1 of said code; and to amend and reenact §60-8-2 and §60-8-3 of said code; all relating to wine generally; providing that persons or entities with a winery or farm winery license, that hold a private wine restaurant and a multi-capacity winery or farm

winery license are not subject to the food service requirements to operate; allowing wineries and farm wineries and out of state unlicensed wineries to sell and serve samples, wine by the glass, and by the bottle at private fairs and festivals, one day non-profit events, and on their premises; removing requirement that wine samples be complimentary; allowing a winery or farm winery to have simultaneous licenses; and allowing wineries and farm wineries to sell wine by the glass or bottle for on-premises consumption on the property of the winery or farm winery.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

**Senate Bill 493**, Relating to use of criminal records as disqualification from authorization to practice particular profession.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Rollan A. Roberts,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senators Woelfel, Plymale, and Caputo:**

**Senate Bill 581**—A Bill to amend and reenact §15A-4-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §28-5C-3; and to amend and reenact §49-2-906 of said code, all relating to requiring that free feminine hygiene products be provided to female prisoners in jails, regional jails, or state correctional facilities, and female juveniles in juvenile detention.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senators Stuart, Deeds, Phillips, Smith, and Taylor:**

**Senate Bill 582**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-39-1, §19-39-2, and §19-39-3, all relating to the creation of the Prohibition on Cell Cultured Animal Products Act; providing for a short title; providing for legislative findings; providing for a prohibition on cell-cultured animal products; creating a civil penalty; providing for a right of action; and providing for a definition.

Referred to the Committee on Agriculture and Natural Resources; and then to the Committee on the Judiciary.

**By Senators Stuart, Azinger, Deeds, Martin, Phillips, Rucker, Smith, Tarr, and Taylor:**

**Senate Bill 583**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §55-7-32 and §55-7-33, all relating to employer liability and damages in civil actions involving commercial motor vehicles.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

**By Senators Oliverio and Martin:**

**Senate Bill 584**—A Bill to amend and reenact §18C-7-3 of the Code of West Virginia, 1931, as amended, relating to including

Salem University as a program wherein the PROMISE Scholarship is accepted.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Caputo:**

**Senate Bill 585**—A Bill to amend §5-16-13 of the Code of West Virginia, 1931, as amended, relating to the use of legal cannabis sales profits to offset employee contributions to the Public Employees Insurance program.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senator Caputo:**

**Senate Bill 586**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h, relating to establishing an insulin safety net program.

Referred to the Committee on Health and Human Resources.

**By Senator Trump:**

**Senate Bill 587**—A Bill to amend and reenact §15A-11-8 of the Code of West Virginia, 1931, as amended, relating to enabling the State Fire Commission to propose legislative rules and promulgate interpretive and procedural rules for legislative approval.

Referred to the Committee on Government Organization.

**By Senators Chapman, Maynard, and Rucker:**

**Senate Bill 588**—A Bill to amend and reenact §49-2-802 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-4-601 of said code, all relating to requiring that parents named as a respondent in an abuse and neglect case, or in an investigation by Child Protective Services, are given a copy of their rights that is written in plain, understandable language; and giving authority to ensure receipt of said rights to the prosecutor of the county in which the investigation is taking place.

Referred to the Committee on the Judiciary.

**By Senators Oliverio, Plymale, Caputo, and Woelfel:**

**Senate Bill 589**—A Bill to amend and reenact §18B-4-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-7-5 of said code, all relating to permitting current campus police officers in this state to participate in the Deputy Sheriffs Retirement System; and mandating newly hired campus police officers to participate in the Deputy Sheriffs Retirement System beginning on January 1, 2025.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Swope:**

**Senate Bill 590**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §8B-1-1, §8B-1-2, §8B-1-3, §8B-1-4, §8B-1-5, and §8B-1-6, all relating to creating the Local Government Labor Regulatory Limitation Act; prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; setting forth legislative findings and declarations; defining terms; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay a wage higher than any applicable state or federal law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay wages or fringe benefits based on a rate prevailing in the locality or the state; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to provide paid or unpaid leave time; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates an employee's hours and scheduling; providing for civil relief; establishing a civil cause of action which, if proven in a court of competent jurisdiction, may permit a person to recover damages, including compensatory and punitive damages, costs and attorney's

fees, injunctive relief, or any other appropriate equitable relief against any political subdivision violating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; providing exceptions; clarifying effect on prior written agreements; providing that any prohibited ordinance, regulation, local policy, local resolution, or other legal requirement in effect prior to the effective date of chapter is void; providing that the prohibitions do not apply to employees of a political subdivision; and clarifying the effect on the West Virginia Alcohol and Drug-Free Workplace Act.

Referred to the Committee on the Judiciary.

**By Senators Oliverio, Plymale, Caputo, and Woelfel:**

**Senate Bill 591**—A Bill to amend and reenact §5A-3-1 of the Code of West Virginia, 1931, as amended, relating to exempting contracts, agreements, or memoranda of understanding between a spending unit of a state government and West Virginia University or Marshall University for services from the Purchasing Division policies; and providing that any contract entered into for the provision of Medicaid services by a risk-bearing entity is not exempt from the provisions of this article.

Referred to the Committee on Government Organization.

Senator Weld offered the following resolution:

**Senate Concurrent Resolution 20**—Proclaiming the fourth Saturday of November to be designated annually in West Virginia as "Ukrainian Holodomor-Genocide Remembrance Day."

Which, under the rules, lies over one day.

Senators Clements, Maroney, Caputo, Oliverio, Taylor, and Smith offered the following resolution:

**Senate Resolution 18**—Designating January 30, 2024, as "West Virginia University Day" at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Com. Sub. for Senate Resolution 6**, Honoring life of Edith Levy, Holocaust survivor.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the resolution was referred to the Committee on Rules.

**Senate Resolution 13**, Recognizing Myles Lumber Company as WV Outstanding Tree Farmer for 2023.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Karnes, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

**Senate Resolution 14**, Designating January 29, 2024, as Future Farmers of America Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Smith, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

**Senate Resolution 15**, Designating January 29, 2024, as Fairmont State University Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Oliverio, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

At the request of Senator Takubo, and by unanimous consent, the Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 36**, Authorizing Department of Homeland Security to promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 36) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Maroney—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 36) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Takubo, and by unanimous consent, the Senate returned to the seventh order of business.

**Senate Resolution 17**, Recognizing Riley Gaines as ambassador for Independent Women's Forum and advocate for women's equality in sports.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Grady, unanimous consent being granted, reference of the resolution to a committee was dispensed with and it was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Martin demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Maroney—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 17) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Grady and Oliverio regarding the adoption of Senate Resolution 17 were ordered printed in the Appendix to the Journal.

At the request of Senator Takubo, unanimous consent being granted, at 11:27 a.m., the Senate recessed to present Senate Resolution 17.

The Senate reconvened at 11:30 a.m. and, at the request of Senator Takubo, and by unanimous consent, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

**Eng. Com. Sub. for Senate Bill 196**, WV Rail Trails Program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 196) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 222**, Exempting WV veterans from certain fees and charges at state parks.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 222 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale,

Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 222) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 261**, WV Veterans' Home Loan Mortgage Program of 2024.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 261) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 445**, Reducing certification periods and renewal fees for EMS personnel.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 445) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Maroney—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 445) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Senate Bill 189**, Providing for substantial deference to state school superintendent's interpretations of school laws.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 451**, Directing Prosecuting Attorneys Institute to make training available to certain new prosecuting attorneys.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 461**, Relating to county economic opportunity development districts.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Senate Bill 265**, Increasing value at which municipal property must be sold through public auction.

**Senate Bill 402**, Authorizing US Concealed Carry Association to provide concealed carry classes in WV.

**Com. Sub. for Senate Bill 474**, Creating critical incident review team.

**Com. Sub. for Senate Bill 475**, Relating to recovery residences.

**Com. Sub. for Senate Bill 477**, Prohibiting public disclosure of personal information on internet.

**Senate Bill 487**, Requiring periodic review of professional development for teachers and education staff.

And,

**Eng. House Bill 4252**, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Nelson and Takubo.

The Senate then proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:



*West Virginia House of Delegates*

OFFICE OF THE CLERK  
BUILDING 1, SUITE 212  
1900 KANAWHA BLVD., EAST  
CHARLESTON 25305

STEPHEN J. HARRISON  
CLERK OF THE HOUSE

(304) 340-3200  
STEVE.HARRISON@WVHOUSE.GOV

January 26, 2024

The Honorable Jim Justice, II  
Governor, State of West Virginia  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Governor Justice,

The following bill, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, has been examined and found truly enrolled:

**H. B. 4274**, Renaming the Department of Health and Human Resources.

This bill is presented to you on this day, January 26, 2024.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Stephen J. Harrison".

Stephen J. Harrison  
Clerk of the House of Delegates

C: The Honorable Lee Cassis  
Clerk of the Senate

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on January 26, 2024:

**Senate Bill 467:** Senator Deeds.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 26, 2024:

**Senate Bill 320:** Senator Barrett;

**Senate Bill 493:** Senator Tarr;

**Senate Bill 530:** Senator Karnes;

**Senate Bill 564:** Senators Woelfel, Plymale, and Rucker;

**Senate Bill 565:** Senator Woelfel;

**Senate Bill 566:** Senators Chapman, Woelfel, Rucker, Deeds, and Jeffries;

**Senate Bill 570:** Senator Chapman;

**Senate Bill 571:** Senators Jeffries, Taylor, Queen, and Karnes;

**Senate Bill 572:** Senators Woelfel, Plymale, and Deeds;

**Senate Bill 576:** Senators Woelfel, Chapman, Rucker, and Queen;

**Senate Bill 577:** Senator Karnes;

**Senate Bill 578:** Senator Deeds;

**Senate Bill 580:** Senator Roberts;

**Senate Joint Resolution 5:** Senators Taylor, Weld, and Caputo;

**Senate Concurrent Resolution 13:** Senator Stuart;

**Senate Concurrent Resolution 14:** Senator Stuart;

**Senate Concurrent Resolution 18:** Senator Stuart;

**Senate Concurrent Resolution 19:** Senator Stuart;

**Senate Resolution 13:** Senator Hamilton;

**Senate Resolution 14:** Senators Taylor, Rucker, Chapman, Grady, Clements, Deeds, and Hamilton;

**Senate Resolution 15:** Senators Rucker and Clements;

And,

**Senate Resolution 17:** Senators Rucker, Smith, Stuart, Tarr, Azinger, Barrett, Boley, Chapman, Clements, Deeds, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Stover, Swope, Takubo, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President).

Without objection, the Senate returned to the third order of business.

### **Executive Communications**

The Clerk presented the following communication from His Excellency, the Governor, regarding bills approved by him:



*Jim Justice*  
*Governor of West Virginia*

January 26, 2024

The Honorable Stephen J. Harrison, Clerk  
West Virginia House of Delegates  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

House Bill No. Four Thousand Two Hundred Seventy-Four (4274), which was presented to me on January 26, 2024.

You will note that I have approved this bill on January 26, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice  
Governor

JJ/mc

cc: The Honorable Lee Cassis

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:45 a.m., the Senate adjourned until tomorrow, Tuesday, January 30, 2024, at 11 a.m.

---

## TUESDAY, JANUARY 30, 2024

The Senate met at 11:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable David Stover, a senator from the ninth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mike Stuart, a senator from the seventh district.

Pending the reading of the Journal of Monday, January 29, 2024,

At the request of Senator Karnes, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communication from a state agency as required by the provisions of law:

Lottery (§29-22-20)

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

**Eng. Senate Bill 462**, Updating definitions of certain terms used in Personal Income Tax Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

**Eng. Senate Bill 483**, Amending Corporation Net Income Tax Act.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4697**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-16; and to amend said code by adding thereto a new article, designated §33-63-1, all relating to adding protections for West Virginia residents who reside out of state for certain time periods from non-renewal of licenses and registration.

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4759**—A Bill to amend and reenact §21-1B-2, §21-1B-3, §21-1B-5, §21-1B-7, and §21-1B-8 of the Code of West Virginia, 1931, and to repeal §21-1B-6, of the Code of West Virginia, 1931, and amends and reenacts §21-5I-4 of the Code of West Virginia, 1931, all relating to E-Verify, the federal employment authorization program; defining terms; requiring businesses to participate in E-Verify as a condition for receiving state contracts, grants, or incentives; requiring subcontractors to participate in E-Verify prior to working on any project paid for by any state contract, grant, or incentive; providing rules for E-Verify participation for contractors and subcontractors; requiring employers in this state to enroll and participate in E-Verify; listing exceptions to said mandatory participation; providing rules for E-

Verify participation for employers; imposing civil penalties; providing defenses; providing for enforcement; and requiring the Division of Labor to propose legislative rules to implement the article's provisions, and relating to the definition of independent contractor.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4764**—A Bill to amend and reenact §17A-7-2 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of the Division of Motor Vehicles to allow the purchase of special one trip or one-way permits to be made and paid for online, and deleting obsolete language.

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4766**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated as §17-4-5a, relating to requiring Division of Highways post signage for planned road closures 30 days prior to the closure, if the closure will last longer than 30 days and the detour is longer than one mile; and providing exceptions.

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4783**—A Bill to amend and reenact §30-8-3, §30-8-6 and §30-8-9 of the Code of West Virginia, 1931, as amended, and to amend and reenact §30-8A-1 of said code; all relating to the practice of optometry; defining terms; removing obsolete areas of the code; updating contract provisions; and permitting a licensee to perform certain procedures.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bills 50, 51, 52, 53, 54, 55, 56, 57, 58, and 59,**  
Insurance Commissioner rule relating to AIDS regulations.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 50** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed, as modified, and as modified and amended by the Legislative Rule-Making Review Committee, and as amended by the Legislature; directing certain agencies of the Department of Revenue to amend current legislative rules; directing the Alcohol Beverage Control Commissioner to amend a legislative rule relating to private club licensing; directing the Alcohol Beverage Control Commissioner to amend a legislative rule relating to nonintoxicating beer licensing and operations procedures; authorizing the West Virginia Insurance Commissioner to promulgate a legislative rule relating to AIDS regulation; authorizing the West Virginia Insurance Commissioner to promulgate a legislative rule relating to health benefit plan network access and adequacy; authorizing the West Virginia Insurance Commissioner to promulgate a legislative rule relating to bail bondsmen in criminal cases; authorizing the West

Virginia Racing Commission to promulgate a legislative rule relating to thoroughbred racing; authorizing the West Virginia Tax Department to promulgate a legislative rule relating to aircraft operated under a fractional ownership program; authorizing the West Virginia Tax Department to promulgate a legislative rule relating to a citizen tax credit for property taxes paid; authorizing the West Virginia Tax Department to promulgate a legislative rule relating to income tax paid at the entity level by electing pass-through entities; authorizing the West Virginia Tax Department to promulgate a legislative rule relating to income tax credits for property taxes paid; authorizing the West Virginia Tax Department to promulgate a legislative rule relating to administration of the tax on purchases of wine and liquor inside and outside of municipalities; and authorizing the West Virginia Tax Department to promulgate a legislative rule relating to the privilege tax on sales of hemp-derived cannabinoid and kratom products.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

**Senate Bill 306**, Equipment Right to Repair Act.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Bill Hamilton,  
*Chair.*

Senator Deeds, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

**Senate Bill 397**, Exempting high tunnels and greenhouses from personal property taxes.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 397** (originating in the Committee on Agriculture and Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-1C-5b, relating to exempting high tunnels and greenhouses, whether heated or unheated, from personal property taxation; and providing an effective date.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Vince S. Deeds,  
*Vice Chair.*

The bill (Com. Sub. for S. B. 397), under the original double committee reference, was then referred to the Committee on Finance.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 436**, Relating to prohibition of certain additives in diesel fuel.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 436** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-14-11a, relating to prohibiting drivers on highways from operating motor vehicles that have been intentionally modified to cause smoke or other visible emission; and providing penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 441**, Regulating driving in left lane on four-lane interstate highways in WV.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 441** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17C-7-1 of the Code of West Virginia, 1931, as amended, relating to the regulation of driving on the right side of roadways and restricting driving in the left lane of multilane highways; adding exemptions from the requirement of driving upon the right half of the roadway; specifying when a vehicle may not be driven in the left lane of a multilane highway and providing exemptions; and requiring the Division of Highways to erect signs.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

The bill (Com. Sub. for S. B. 441), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

**Senate Bill 455**, Relating generally to banking authority of State Treasurer's Office.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 455** (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-1b; to amend and reenact §12-1-5 of said code; and to amend and reenact §12-1B-5 of said code, all relating generally to the banking and contractual authority of the State Treasurer's Office and the West Virginia Security for Public Deposits Program; setting forth prohibited terms and conditions in State Treasurer contracts consistent with general restrictions on other state contracts; providing that the State Treasurer may propose rules for legislative approval to implement the West Virginia Security for Public Deposits Program; and requiring advance announcement by the State Treasurer of the commencement of the West Virginia Security for Public Deposits Program by publication in the State Register.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

**Senate Bill 470**, Uniform Special Deposits Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 470** (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-9-1, §31A-9-2, §31A-9-3, §31A-9-4, §31A-9-5, §31A-9-6, §31A-9-7, §31A-9-8, §31A-9-9, §31A-9-10, §31A-9-11, §31A-9-12, §31A-9-13, §31A-9-14, §31A-9-15, and §31A-9-16, all relating to the Uniform Special Deposits Act.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

The bill (Com. Sub. for S. B. 470), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 11**, US Marine Corps PFC Noel Harper Fields Memorial Bridge.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Concurrent Resolution 11** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 44-119/00-011.79 (44A110), locally known as Big Lick Run Bridge, located at 38°39'57.5"N 81°23'48.9"W, carrying U.S. Route 119 over Big Lick Run in Roane County, the "U.S. Marine Corps PFC Noel Harper Fields Memorial Bridge".

And,

**Senate Concurrent Resolution 14**, US Army PFC William Gorman Memorial Bridge.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Concurrent Resolution 14** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge 17-079/00-115.33 (NB-SB) (17A251,17A252), also known as the Quiet Dell Overpass and beginning at 39.22594, -80.29692, located in Clarksburg, Harrison County, the "U.S. Army PFC William Gorman Memorial Bridge".

With the recommendation that the two committee substitutes be adopted.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 18**, Stanley W. and Evelyn C. See Memorial Bridge.

And,

**Senate Concurrent Resolution 19**, US Army PFC Henry W. Baldwin Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. House Bill 4026**, Authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills and joint resolution were introduced, read by their titles, and referred to the appropriate committees:

**By Senators Rucker, Maynard, and Taylor:**

**Senate Bill 592**—A Bill to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to provide images of persons issued any identification or license to the Secretary of State for voter identification purposes.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 593**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-52, relating to prohibiting ranked choice voting in any election held in West Virginia.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 594**—A Bill to amend and reenact §4-1-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5B-2-3b and §5B-2-16 of said code, all relating to requiring that all appropriations that exceed \$1 million to any private business entity must be brought as a stand-alone bill to both the House of Delegates and the Senate; prohibiting either the House of Delegates or the Senate, or both, from authorizing a series of appropriations of less than \$1 million that combine to exceed \$1 million to a single private business entity; setting a limit of \$10 million on the annual balance of the Economic Development Promotion and Closing Fund; and setting a limit of \$100 million on the annual budget of the Entrepreneurship and Innovation Investment Fund.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senators Deeds and Woodrum:**

**Senate Bill 595**—A Bill to amend and reenact §30-6-3, §30-6-8, and §30-6-9 of the Code of West Virginia, 1931, as amended, relating to amending the embalmer licensing requirements to permit a certain number of years of active military duty to substitute for college credit hours to qualify for licensure.

Referred to the Committee on Military; and then to the Committee on Government Organization.

**By Senators Smith and Phillips:**

**Senate Bill 596**—A Bill to amend and reenact §22-11-4, §22-11-22, §22-11-22a, §22-11-24, and §22-11-25 of the Code of West Virginia, 1931, as amended; and to amend §22-11B-3 and §22-11B-12 of said code, all relating to administering the West Virginia Water Pollution Control Act and Underground Carbon Dioxide Sequestration and Storage; and providing further assurances to the United States Environmental Protection Agency regarding the State of West Virginia's application for primary enforcement authority over underground carbon dioxide sequestration programs within the state.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on the Judiciary.

**By Senators Woelfel, Caputo, and Plymale:**

**Senate Bill 597**—A Bill to amend and reenact §23-4-6a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §23-4-26, all relating to occupational pneumoconiosis; eliminating the prohibition on permanent partial disability awards based solely on a diagnosis of occupational pneumoconiosis; declaring that an employee with occupational pneumoconiosis without measurable pulmonary impairment shall be paid certain benefits; and requiring certain claimants to receive permanent partial disability awards that may later be offset from a future disability award.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 598**—A Bill to amend and reenact §18-8-1 and §18-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-25 of said code; to amend and reenact §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-10, and §18-31-11 of said code; and to amend said code by adding thereto two new sections, designated §18-31-2a and §18-31-14, all relating generally to the Hope Scholarship Program; providing that microschools and learning pods have the authority to issue secondary school diplomas; providing that the annual Hope Scholarship Program appropriation calculation will be based on the estimated number of participating students instead of the number of participating students in the prior year; providing that Hope Scholarship students have certain educational privileges made available to other nonpublic school students; clarifying reporting requirements of Hope Scholarship Students to the State Board of Education, county superintendents and county boards of education; clarifying that Hope Scholarship funds may only be utilized for expenses incurred in a kindergarten through secondary school education; specifying that a microschool can be a participating school; permitting the State Treasurer to appear by designee at Hope Scholarship Board meetings; modifying the composition of members to the Hope Scholarship Board; modifying definitions; requiring parental agreement to include provisions requiring parents to notify the Board if a student reenrolls in public school or graduates from a secondary school program; clarifying that all records and personally identifying information of a Hope Scholarship student, applicant, or parent is confidential and not subject to disclosure pursuant to the West Virginia Freedom of Information Act; clarifying that a kindergarten-level applicant's Hope Scholarship participation does not commence if the student does not begin kindergarten-level education that school year; establishing a year-round application and awards process; clarifying annual renewal process for Hope Scholarship parents and students; clarifying that a public charter school may invoice a Hope Scholarship student for educational services; clarifying that the Hope Scholarship Board may take issues involving Hope Scholarship students in charter schools to the West Virginia Professional Charter School Board; authorizing

the Hope Scholarship Board to request certain information from county superintendents and county boards of education; modifying qualifying expenses for Hope Scholarship accounts; requiring education service providers conducting background screenings of employees and other persons in contact with students to certify screening results to the board; clarifying that providers may not assess increased or additional fees against Hope Scholarship students based on participation in the program; and adding reporting requirements.

Referred to the Committee on School Choice; and then to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 599**—A Bill to amend and reenact §18B-10-7 of the Code of West Virginia, 1931, as amended, relating to exempting certain military veterans and their dependents from the payment of tuition and fees.

Referred to the Committee on Military; and then to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 600**—A Bill to amend and reenact §15-1B-25 of the Code of West Virginia, 1931, as amended, relating generally to readiness enhancement and commission bonuses.

Referred to the Committee on Military; and then to the Committee on Finance.

**By Senators Grady, Boley, Chapman, and Rucker:**

**Senate Bill 601**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, and §16-67-6, all relating to the Women's Bill of Rights; providing short title; setting forth purpose; establishing application of act; defining terms; allowing for language substitution; establishing certain single sex environments are not discriminatory; creating parameters for certain data collection; and allowing severability.

Referred to the Committee on the Judiciary.

**By Senator Grady:**

**Senate Bill 602**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to cardiac emergency response plans; defining terms; establishing requirements for cardiac emergency response plan; and addressing funding.

Referred to the Committee on Health and Human Resources; and then to the Committee on Education.

**By Senators Woelfel, Plymale, and Caputo:**

**Senate Joint Resolution 8**—Proposing an amendment to the Constitution of the State of West Virginia, amending article IV thereof by adding thereto a new section, designated section 13, relating to the possession, manufacture, and sale of cannabis by adults 21 years of age or older; the expungement of criminal records as it pertains to cannabis convictions; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

Senator Woodrum offered the following resolution:

**Senate Concurrent Resolution 21**—Requesting the Division of Highways name a portion of County Route 17, from the intersection of Barger Springs Road (37.650321, -80.751025) to the intersection of Talcott Back Road and Route 12 (37.648578, -80.745278) in Summers County, the "U. S. Army Master Sergeant James E. Jackson, Jr. Memorial Road".

Which, under the rules, lies over one day.

Senator Woodrum offered the following resolution:

**Senate Concurrent Resolution 22**—Requesting the Division of Highways name a portion of County Route 20, from 37.76953571727715, -80.89182448747788 to where Cooper Hollow Road connects with County Route 20, in Summers County,

the "U. S. Army and Marine Corps Major and Olympic Gold Medalist Cornelius Burdette Memorial Road".

Which, under the rules, lies over one day.

Senators Plymale, Takubo, Grady, Maynard, Queen, and Woelfel offered the following resolution:

**Senate Resolution 19**—Designating January 31, 2024, as Marshall University Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 20**, Proclaiming fourth Saturday of November to be annually designated as Ukrainian Holodomor-Genocide Remembrance Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Resolution 18**, Designating January 30, 2024, as West Virginia University Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Oliverio, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Oliverio regarding the adoption of Senate Resolution 18 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 189**, Providing for substantial deference to state school superintendent's interpretations of school laws.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—30.

The nays were: Caputo and Woelfel—2.

Absent: Azinger and Clements—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 189) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 451**, Directing Prosecuting Attorneys Institute to make training available to certain new prosecuting attorneys.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo,

Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Azinger and Clements—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 451) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Azinger and Clements—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 451) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 461**, Relating to county economic opportunity development districts.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the ninth order of business.

**Senate Bill 265**, Increasing value at which municipal property must be sold through public auction.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 402**, Authorizing US Concealed Carry Association to provide concealed carry classes in WV.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 474**, Creating critical incident review team.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 475**, Relating to recovery residences.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 477**, Prohibiting public disclosure of personal information on internet.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 487**, Requiring periodic review of professional development for teachers and education staff.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Eng. House Bill 4252**, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 320,** Removing requirement for wineries to serve food when serving wine.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Hamilton, unanimous consent being granted, it was ordered that the Journal show had Senator Hamilton been present in the chamber on Monday, January 29, 2024, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 36, Engrossed Committee Substitute for Senate Bill 196, Engrossed Committee Substitute for Senate Bill 222, Engrossed Committee Substitute for Senate Bill 261, and Engrossed Committee Substitute for Senate Bill 445 and "yea" on the adoption of Senate Resolution 17.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 29, 2024:

**Senate Bill 455:** Senators Tarr and Azinger;

**Senate Bill 470:** Senator Nelson;

**Senate Bill 495:** Senator Woelfel;

**Senate Bill 498:** Senator Woelfel;

**Senate Bill 532:** Senator Woelfel;

**Senate Bill 554:** Senator Woelfel;

**Senate Bill 581:** Senator Chapman;

**Senate Bill 584:** Senator Caputo;

**Senate Bill 587:** Senator Deeds;

**Senate Bill 588:** Senator Deeds;

**Senate Bill 589:** Senator Hamilton;

**Senate Joint Resolution 7:** Senator Taylor;

**Senate Concurrent Resolution 18:** Senators Barrett and Chapman;

**Senate Concurrent Resolution 19:** Senator Chapman;

**Senate Concurrent Resolution 20:** Senators Trump and Hamilton;

And,

**Senate Resolution 18:** Senators Trump, Hamilton, and Chapman.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 11:36 a.m., the Senate adjourned until tomorrow, Wednesday, January 31, 2024, at 11 a.m.

---

## WEDNESDAY, JANUARY 31, 2024

The Senate met at 11 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Patrick S. Martin, a senator from the twelfth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Chandler Swope, a senator from the sixth district.

Pending the reading of the Journal of Tuesday, January 30, 2024,

At the request of Senator Hunt, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect January 1, 2025, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4017**—A Bill to amend and reenact §3-2-6, §3-2-10, §3-2-13, §3-2-25, §3-2-32, and §3-2-34 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-3-3 and §3-3-9 of said code, all relating to general modifications to early voting procedures; registration by mail; voter registration services; unlawful registration or rejection of voter; alteration or destruction of records; early in-person voting; removing obsolete language; and creating criminal penalties.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect January 1, 2025, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4350**—A Bill to amend and reenact §3-5-11 and §3-5-19 of the Code of West Virginia, 1931, as amended, relating to filling vacancies on the ballot for election to a public office; and prohibiting the filling of a vacancy for a candidate to an elected office after the time is closed for announcing as a candidate which is caused by the failure of any person of a particular party to file for the elected office.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4434**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-14-1, and §17-14-2, all relating to prohibiting all state agencies and local governmental units from restricting use or sale of motor vehicles based on power source.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4860**—A Bill to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended, relating to education of exceptional children in an integrated classroom; and providing that the general education teacher is not responsible for accommodation logs.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4908**—A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended, to amend and reenact §16-1-3 of said code; and to amend and reenact §26-1-3 of said code, all relating to exempting certain contracts from purchasing; permitting the state agencies to contract with a West Virginia public health institute; permitting the state agencies to contract with West Virginia University; permitting the state agencies to contract with West Virginia School of Osteopathic Medicine; permitting the state agencies to contract with Marshall University; and removing outdated provisions from the code.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4976**—A Bill to amend and reenact §15A-13-1 of the Code of West Virginia, 1931, as amended, relating to requiring agencies and boards administered as a part of the Department of Homeland Security to display the contact information of the Inspector General on their websites and in their office spaces.

Referred to the Committee on Government Organization.

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant representatives from Marshall University privileges of the floor for the day.

The Senate proceeded to the fourth order of business.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 331**, Eliminating cap on maximum amount of money in county's financial stabilization fund.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 331** (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-21-3 of the Code of West Virginia, 1931, as amended, relating to eliminating the cap on the maximum amount of money in a county's financial stabilization fund and allowing investment of moneys in fund with state investment entities.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 466**, Requiring development of safety while accessing technology education program.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 466** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to requiring the West Virginia Board of Education to develop a Safety While Accessing Technology education program; specifying topics of instruction to be included in the program; allowing the state board to develop and provide age-appropriate instructional materials and resources to assist county boards in establishing and implementing the program; requiring each county board to adopt policies requiring all elementary and secondary schools in the district to provide the education program to students in grades three through 12 at least once each school year; requiring policies to include process for parent, guardian, or custodian to review program instructional materials; requiring policies to include option for parent, guardian, or custodian to opt his or her child out of program participation; making implementation of program effective for the 2025-2026 school year; and requiring program to be based on certain concepts.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Education.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 539**, Creating cold case database.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 539** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-12-9, relating to requiring the West Virginia Fusion Center to create the cold case database; defining terms; requiring law-enforcement agencies to provide required information; explaining the types of cases to be included in the cold case database; explaining the state agency developing the cold case database; delineating the information that must be provided for inclusion in the cold case database for each investigation; and delineating the information that may be provided for inclusion in the cold case database for each investigation if applicable to either the victim of the crime or the suspect in the crime.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. House Bill 4594**, Relating to extending managed care.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Woodrum:**

**Senate Bill 603**—A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended, relating to amending the definition of a "commercial solid waste facility" to exclude a solid waste facility in which the owner or operator of same is consolidating collected solid waste for transportation and disposal.

Referred to the Committee on Government Organization.

**By Senators Jeffries, Barrett, Clements, Deeds, Hunt, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Smith, Stuart, Swope, Takubo, Taylor, Weld, and Woodrum:**

**Senate Bill 604**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13NN-1, §11-13NN-2, §11-13NN-3, §11-13NN-4, §11-13NN-5, §11-13NN-6, and §11-13NN-7, all relating to creating the West Virginia Short Line Railroad Modernization Act; definitions; tax

credit allowed and credit limitations; and review and accountability.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 605**—A Bill to amend and reenact §5-10D-12 of the Code of West Virginia, 1931, as amended, relating to the Consolidated Public Retirement Board; and requiring participating public employers to remit retirement contributions and fees by electronic funds transfer.

Referred to the Committee on Pensions.

**By Senator Nelson:**

**Senate Bill 606**—A Bill to amend and reenact §20-18-8, §20-18-20, §20-18-25, and §20-18-26 of the Code of West Virginia, 1931, as amended, all relating to the Natural Resources Police Officers Retirement System; permitting the employer contribution to be set by the board; clarifying payment upon death of member with less than 10 years of contributing service; and clarifying surviving spouse benefits when the member dies from duty related or non-duty related cause.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 607**—A Bill to amend and reenact §8-22A-16, §8-22A-20, and §8-22A-21 of the Code of West Virginia, 1931, as amended, all relating to the Municipal Police Officers and Firefighters Retirement System; clarifying payment upon death of member with less than 10 years of contributing service; deleting obsolete provision; and clarifying surviving spouse benefits when member dies from duty or non-duty related cause.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 608**—A Bill to amend and reenact §16-5V-18, §16-5V-23, §16-5V-24, and §16-5V-35 of the Code of West Virginia, 1931, as amended, all relating to the Emergency Medical Services Retirement System; clarifying payment upon death of member with less than 10 years of contributory service; clarifying surviving spouse benefits when member dies from duty or non-duty related cause; and clarifying age calculation for a member who elected early retirement who then returned to work.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 609**—A Bill to amend and reenact §7-14D-13, §7-14D-18, §7-14D-19, and §7-14D-24a of the Code of West Virginia, 1931, as amended, all relating to the Deputy Sheriff Retirement System; clarifying payment upon death of member with less than 10 years of contributory service; clarifying surviving spouse benefits when member dies from duty or non-duty related cause; and clarifying age calculation for a member who elected early retirement who then returned to work.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 610**—A Bill to amend and reenact §22C-1-6 of the Code of West Virginia, 1931, as amended, relating to clarifying the authority of the Water Development Authority to appoint employees, officers, managers, attorneys, independent contractors, and consultants as are necessary; fixing their compensation; and prescribing their duties in certain circumstances outside the classified civil service system.

Referred to the Committee on Government Organization.

**By Senators Taylor and Weld:**

**Senate Bill 611**—A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to allowing prosecuting attorney vehicles to have flashing, red warning lights.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 612**—A Bill to amend and reenact §61-5-17a of the Code of West Virginia, 1931, as amended, relating to establishing a criminal offense for knowingly, willfully, and forcibly obstructing or hindering a home incarceration supervisor or a social service worker while they are lawfully acting in their official capacity and the obstructing or hindering causes their death; establishing criminal penalty therefor of imprisonment in a state correctional facility for 15 years to life; and providing definitions.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 613**—A Bill to amend and reenact §31-17-1, §31-17-3, §31-17-4, §31-17-6, §31-17-7, and §31-17-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §31-17-4a; and to amend said code by adding thereto a new section, designated §31-17A-9a, all relating to the licensure and regulation of mortgage brokers, lenders, and loan originators; updating definitions; eliminating outdated provisions; authorizing emergency rulemaking; permitting the Commissioner of Financial Institutions to participate in the multistate licensing and examination process; updating net worth requirements to use generally accepted accounting principles; providing information requirements for a change in control and updating the change in control process; specifying requirements for individuals in control of a licensee or applicant; confirming confidentiality of examination and licensee information but allowing release of aggregate data; permitting loan originators to conduct work at their residence if certain requirements are met; and making technical corrections.

Referred to the Committee on Banking and Insurance.

Senator Plymale offered the following resolution:

**Senate Concurrent Resolution 23**—Requesting the Division of Highways name a portion of Coalfields Expressway from 37.59823, (-81.37468) to 37.60007, (-81.379996) near Mullens in Wyoming County, the "U.S. Navy LT Lewis Joseph D'Antoni Memorial Road".

Which, under the rules, lies over one day.

Senator Deeds offered the following resolution:

**Senate Concurrent Resolution 24**—Recognizing and honoring the First Responders Honor Board's nominees for the Medal of Valor.

Which, under the rules, lies over one day.

Senator Woodrum offered the following resolution:

**Senate Concurrent Resolution 25**—Requesting the Division of Highways name bridge number: 45-003/21-006.37 (45A010), (37.67294, -80.89718) locally known as MADAMS CREEK BRIDGE, carrying CR 03/21 over MADAMS CREEK in Summers County, the "U.S. Army SGT Wyatt K. Hinton Memorial Bridge".

Which, under the rules, lies over one day.

Senator Rucker offered the following resolution:

**Senate Resolution 20**—Recognizing Court Appointed Special Advocates and the essential role they play in representing the best interests of children involved in child abuse and/or neglect proceedings.

Which, under the rules, lies over one day.

Senator Weld offered the following resolution:

**Senate Resolution 21**—Designating February 1, 2024, as National Unclaimed Property Day at the Legislature.

Which, under the rules, lies over one day.

Senators Rucker, Chapman, and Grady offered the following resolution:

**Senate Resolution 22**—Designating February 1, 2024, as Sexual Violence Awareness Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Com. Sub. for Senate Concurrent Resolution 11**, US Marine Corps PFC Noel Harper Fields Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Com. Sub. for Senate Concurrent Resolution 14**, US Army PFC William Gorman Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Concurrent Resolution 18**, Stanley W. and Evelyn C. See Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Concurrent Resolution 19**, US Army PFC Henry W. Baldwin Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Concurrent Resolution 21**, US Army MSG James E. Jackson Jr. Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 22**, US Army and Marine Corps Major and Olympic Gold Medalist Cornelius Burdette Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Resolution 19**, Designating January 31, 2024, as Marshall University Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Plymale, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 19) adopted.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senators Plymale and Maynard regarding the adoption of Senate Resolution 19 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 265**, Increasing value at which municipal property must be sold through public auction.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 265) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 402**, Authorizing US Concealed Carry Association to provide concealed carry classes in WV.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 402) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 461**, Relating to county economic opportunity development districts.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 461) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 474**, Creating critical incident review team.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 474 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 474) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 475**, Relating to recovery residences.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 475 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 475) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 477**, Prohibiting public disclosure of personal information on internet.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 477) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 487**, Requiring periodic review of professional development for teachers and education staff.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 487) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 4252**, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed House Bill 4252 pass?"

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: Azinger, Chapman, Karnes, and Rucker—4.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4252) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

At the request of Senator Plymale, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 320**, Removing requirement for wineries to serve food when serving wine.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 50**, Authorizing Department of Revenue to promulgate legislative rules.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Senate Bill 306**, Equipment Right to Repair Act.

On first reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Com. Sub. for Senate Bill 436**, Prohibiting intentional motor vehicle emissions that create hazards.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 455**, Relating generally to banking and contractual authority of State Treasurer's Office.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Eng. House Bill 4026**, Authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia  
Charleston

LEE CASSIS  
CLERK OF THE SENATE



STATE CLERK, ROOM 211  
1900 KANAWHA BLVD. EAST  
CHARLESTON, WV 25305-6800  
304-357-7800

January 30, 2024

The Honorable Jim Justice, II  
Governor, State of West Virginia  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Governor Justice,

The following bill, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, has been examined and found truly enrolled:

**Com. Sub. for S. B. 269**, Excluding test strips from definition of drug paraphernalia.

This bill is presented to you on this day, January 30, 2024.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lee Cassis".

Lee Cassis  
Clerk of the Senate

C: The Honorable Stephen J. Harrison  
Clerk of the House of Delegates

LEE.CASSIS@WVSLSenate.GOV

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on January 30, 2024:

**Senate Bill 467:** Senator Chapman;

**Senate Bill 583:** Senator Rucker;

And,

**Senate Bill 589:** Senators Plymale and Woelfel.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 30, 2024:

**Senate Bill 174:** Senators Plymale and Maroney;

**Senate Bill 186:** Senator Maroney;

**Senate Bill 187:** Senator Maroney;

**Senate Bill 188:** Senator Plymale;

**Senate Bill 194:** Senator Tarr;

**Senate Bill 198:** Senator Tarr;

**Senate Bill 199:** Senator Tarr;

**Senate Bill 205:** Senator Maroney;

**Com. Sub. for Senate Bill 208:** Senator Maroney;

**Senate Bill 216:** Senator Maroney;

**Senate Bill 220:** Senator Maroney;

**Senate Bill 221:** Senator Maroney;

**Senate Bill 258:** Senator Plymale;

**Senate Bill 323:** Senator Plymale;

**Senate Bill 347:** Senator Plymale;

**Senate Bill 403:** Senator Maroney;

**Senate Bill 414:** Senator Maroney;

**Senate Bill 423:** Senator Stuart;

**Senate Bill 424:** Senator Plymale;

**Com. Sub. for Senate Bill 450:** Senator Plymale;

**Senate Bill 466:** Senators Roberts and Taylor;

**Senate Bill 478:** Senator Plymale;

**Senate Bill 495:** Senator Plymale;

**Senate Bill 523:** Senator Karnes;

**Senate Bill 524:** Senator Karnes;

**Senate Bill 527:** Senator Karnes;

**Senate Bill 531:** Senator Maroney;

**Senate Bill 533:** Senator Maroney;

**Senate Bill 535:** Senator Maroney;

**Senate Bill 539:** Senators Maroney and Woelfel;

**Senate Bill 545:** Senator Maroney;

**Senate Bill 547:** Senator Plymale;

**Senate Bill 549:** Senator Maroney;

**Senate Bill 554:** Senator Maroney;

**Senate Bill 557:** Senator Maroney;

**Senate Bill 562:** Senator Maroney;

**Senate Bill 566:** Senator Maroney;

**Senate Bill 571:** Senator Plymale;

**Senate Bill 587:** Senator Maroney;

**Senate Bill 593:** Senator Chapman;

**Senate Bill 595:** Senator Hamilton;

**Senate Bill 598:** Senators Roberts and Karnes;

**Senate Bill 599:** Senators Chapman, Deeds, and Nelson;

**Senate Bill 600:** Senator Deeds;

**Senate Bill 601:** Senators Roberts, Swope, Phillips, Karnes, Nelson, Taylor, Stuart, and Tarr;

**Senate Joint Resolution 4:** Senator Maroney;

**Com. Sub. for Senate Joint Resolution 5:** Senator Maroney;

**Senate Joint Resolution 6:** Senator Maroney;

**Senate Joint Resolution 7:** Senator Tarr;

**Senate Concurrent Resolution 16:** Senator Maroney;

**Senate Concurrent Resolution 21:** Senator Deeds;

**Senate Concurrent Resolution 22:** Senator Deeds;

And,

**Senate Resolution 19:** Senators Hamilton and Maroney.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:07 p.m., the Senate adjourned until tomorrow, Thursday, February 1, 2024, at 11 a.m.

---

## THURSDAY, FEBRUARY 1, 2024

The Senate met at 11:02 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Reverend Robert Fulton, Madison United Methodist Church, Madison, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Vince S. Deeds, a senator from the tenth district.

Pending the reading of the Journal of Wednesday, January 31, 2024,

At the request of Senator Woelfel, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communication from a state agency as required by the provisions of law:

Treasurer, Office of the (Debt Position Quarterly Report) (§12-6A-6)

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4376**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-21, relating to requirements for smoke evacuation systems for health care facilities; defining terms; and creating penalties for violation of requirement.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4776**—A Bill to amend and reenact §18A-5-1 of the Code of West Virginia, 1931, as amended, relating to adding elementary schools into school disciplinary measures added during the 2023 Regular Session of the Legislature.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4817**—A Bill to amend and reenact §30-7-5 and §30-7-15b of the Code of West Virginia, 1931, as amended, all relating to updating the practice of nursing.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4830**—A Bill to amend and reenact §18-2-40 and §18-2-41 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2C-5 of said code; to amend and reenact §18-5-15a of said code; to amend and reenact §18-9F-10 of said code; and to amend and reenact §61-8F-6 of said code, all relating generally to training requirements for school personnel; modifying frequency of training from annually to upon employment and every three years thereafter, for suicide prevention awareness, child sexual abuse prevention, the county policy on harassment, intimidation or bullying, and multicultural education; requiring first aid training include blood borne pathogen information; requiring those who care for, educate, or house disabled children to be trained on mandatory reporting obligations.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4832**—A Bill to amend and reenact §18-9B-21 of the Code of West Virginia, 1931, as amended, relating to state superintendent's reports regarding the finances of school districts.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4838**—A Bill to amend and reenact §18A-2-3 if the Code of West Virginia, 1931, as amended, relating to requiring county boards of education to inform persons, who are employed as a long-term substitute teacher, about completing IEP and 504 plans.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 504**, Modifying felony offense of sexual misconduct of school employee or volunteer.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 504** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-8B-11b of the Code of West Virginia, 1931, as amended, relating to felony offense involving sexual intercourse, intrusion, or contact with a student; clarifying that the offense applies to a student of any private or public elementary or secondary school; and providing an

exception for secondary students participating in the teacher pathway youth apprenticeship program.

And,

**Senate Bill 516**, Determining venue for custodial allocation actions independent of divorce.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 516** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §48-9-105 of the Code of West Virginia, 1931, as amended, relating to determining venue for custodial allocation actions; providing venue options for initial custody determinations; providing venue for modification or enforcement of custodial allocation; providing for transfer of venue for modification or enforcement of custodial allocation arising out of a finalized divorce proceeding or independent of divorce if certain conditions are met; allowing family court to decline transfer of venue; and providing for transfer of venue for child support and paternity where the venue for modification or enforcement of a custody determination is transferred.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

**Senate Bill 538**, Creating exception for public nuisance.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Outdoor Recreation pending.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 543**, Relating to research and economic development agreements for state institutions of higher education.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Glenn D. Jeffries,  
*Chair.*

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 571**, Creating WV Advanced Energy and Economic Corridor Authority Commission.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 571** (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-12-1, §5B-12-2, §5B-12-3, and §5B-12-4, all relating to creating the Corridor H Advanced Energy and Economic Corridor Authority; providing for legislative findings; appointing authority members; providing for terms of membership; providing for certain membership and meeting requirements; providing that members are not compensated; providing for certain powers and duties; and requiring annual reporting to the Joint Committee on Government and Finance.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Glenn D. Jeffries,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Economic Development.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

**Senate Bill 577**, Limiting landowner liability when land is used for recreational purposes.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Rucker, from the Committee on School Choice, submitted the following report, which was received:

Your Committee on School Choice has had under consideration

**Senate Bill 598**, Relating to Hope Scholarship Program and micro schools.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 598** (originating in the Committee on School Choice)—A Bill to amend and reenact §18-5G-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-8-1 and §18-8-12; to amend and reenact §18-9A-25 of said code; to amend and reenact §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-10, and §18-31-11 of said code; and to amend said code by adding thereto two new sections, designated §18-31-2a and §18-31-14, all relating generally to the Hope Scholarship Program; allowing charter schools to charge Hope Scholarship students for classes the students enroll in at the charter school; providing that microschools and learning pods have the authority to issue secondary school diplomas; providing that the annual Hope Scholarship Program appropriation calculation will be based on the estimated number of participating students instead of the number of participating students in the prior year; providing that Hope Scholarship students have certain educational privileges made available to other nonpublic school students; clarifying reporting requirements of Hope Scholarship students to the State Board of Education, county superintendents, and county boards of education; clarifying that Hope Scholarship funds may only be utilized for expenses incurred in a kindergarten through secondary school education; specifying that a microschool can be a participating school; permitting the State Treasurer to appear by designee at Hope Scholarship Board meetings; modifying the composition of members to the Hope Scholarship Board;

modifying definitions; requiring parental agreement to include provisions requiring parents to notify the board if a student reenrolls in public school or graduates from a secondary school program; clarifying that all records and personally identifying information of a Hope Scholarship student, applicant, or parent is confidential and not subject to disclosure pursuant to the West Virginia Freedom of Information Act; clarifying that a kindergarten-level applicant's Hope Scholarship participation does not commence if the student does not begin kindergarten-level education that school year; establishing a year-round application and awards process; clarifying annual renewal process for Hope Scholarship parents and students; clarifying that a public charter school may invoice a Hope Scholarship student for educational services; clarifying that the Hope Scholarship Board may take issues involving Hope Scholarship students in charter schools to the West Virginia Professional Charter School Board; authorizing the Hope Scholarship Board to request certain information from county superintendents and county boards of education; modifying qualifying expenses for Hope Scholarship accounts; requiring education service providers conducting background screenings of employees and other persons in contact with students to certify screening results to the board; clarifying that providers may not assess increased or additional fees against Hope Scholarship students based on participation in the program; and adding reporting requirements.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

The bill (Com. Sub. for S. B. 598), under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Grady:**

**Senate Bill 614**—A Bill to amend and reenact §18A-5-1 of the Code of West Virginia, 1931, as amended, relating to elementary behavior intervention and safety; specifying requirements applicable to when a grade kindergarten through six teacher in an elementary setting determines that the behavior of a student is violent, threatening, or intimidating toward staff or peers, or creates an unsafe learning environment, or impedes on other students' ability to learn in a safe environment; and providing that nothing herein may be construed to be in conflict with the Individuals with Disabilities Education Act.

Referred to the Committee on Education.

**By Senators Trump, Smith, and Swope:**

**Senate Bill 615**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to limitations on actions related to certain electric generating facilities designated as exempt wholesale generators under federal law.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 616**—A Bill to amend and reenact §48-27-204 of the Code of West Virginia, 1931, as amended, relating to adding brother-in-law and sister-in-law to the definition of "family and household members" subject to the provisions of domestic violence laws.

Referred to the Committee on the Judiciary.

**By Senators Smith, Woodrum, Deeds, and Hamilton:**

**Senate Bill 617**—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting the processing of beef, pork, or lamb by a slaughterhouse for an

individual owner of the product processed from the consumer sales and service tax.

Referred to the Committee on Agriculture and Natural Resources; and then to the Committee on Finance.

Senator Deeds offered the following resolution:

**Senate Concurrent Resolution 26**—Requesting the Division of Highways name a portion of County Route 20/Spring Creek Station Road, in Greenbrier County, the "U.S. Army Private First Class Clarence William (Buck) Holliday Memorial Road".

Which, under the rules, lies over one day.

Senators Rucker and Takubo offered the following resolution:

**Senate Resolution 23**—Designating February 2, 2024, as American Heart Association Day at the Legislature.

Which, under the rules, lies over one day.

Senators Takubo and Rucker offered the following resolution:

**Senate Resolution 24**—Recognizing February 2, 2024, as West Virginia Home School Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 23**, US Navy LT Lewis Joseph D'Antoni Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Concurrent Resolution 24**, Recognizing First Responders Honor Board's nominees for Medal of Valor.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

**Senate Concurrent Resolution 25**, US Army SGT Wyatt K. Hinton Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Resolution 20**, Recognizing essential role of CASA for abused and neglected children.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Rucker, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

**Senate Resolution 21**, Designating February 1, 2024, as National Unclaimed Property Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

**Senate Resolution 22**, Designating February 1, 2024, as Sexual Violence Awareness Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Rucker, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 320**, Removing requirement for wineries to serve food when serving wine.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Hunt, Jeffries, Karnes, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, and Blair (Mr. President)—27.

The nays were: Deeds, Grady, Hamilton, Martin, Roberts, and Woodrum—6.

Absent: Azinger—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 320) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 50**, Authorizing Department of Revenue to promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 436**, Prohibiting intentional motor vehicle emissions that create hazards.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 455**, Relating generally to banking and contractual authority of State Treasurer's Office.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Eng. House Bill 4026**, Authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 331**, Eliminating cap on maximum amount of money in county's financial stabilization fund.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 466**, Requiring State Board of Education develop Safety While Accessing Technology education program.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 539**, Creating cold case database.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Eng. House Bill 4594**, Relating to extending managed care.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Caputo, Takubo, and Nelson.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Caputo were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia  
Charleston

LEE CASSIS  
(CLERK OF THE SENATE)



SENATE CHAMBER, ROOM M-211  
1900 KANAWHA BOULEVARD, EAST  
CHARLESTON, WV 25305-6800  
304-357-7800

February 1, 2024

The Honorable Jim Justice, II  
Governor, State of West Virginia  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, have been examined and found truly enrolled:


**S. B. 462**, Updating definitions of certain terms used in Personal Income Tax Act;

**AND**

**S. B. 483**, Amending Corporation Net Income Tax Act;

These bills are presented to you on this day, February 1, 2024.

Respectfully submitted,

  
Lee Cassis  
Clerk of the Senate

C: The Honorable Stephen J. Harrison  
Clerk of the House of Delegates

LEE.CASSIS@WVSENATE.GOV

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 31, 2024:

**Senate Bill 253:** Senator Maroney;

**Senate Bill 279:** Senator Chapman;

**Senate Bill 294:** Senator Maroney;

**Senate Bill 301:** Senator Maroney;

**Senate Bill 347:** Senator Maroney;

**Senate Bill 356:** Senator Maroney;

**Senate Bill 373:** Senator Plymale;

**Senate Bill 374:** Senator Maroney;

**Senate Bill 421:** Senator Maroney;

**Senate Bill 443:** Senator Plymale;

**Com. Sub. for Senate Bill 450:** Senator Maroney;

**Senate Bill 453:** Senator Maroney;

**Senate Bill 454:** Senator Plymale;

**Senate Bill 467:** Senator Maroney;

**Senate Bill 504:** Senator Deeds;

**Senate Bill 543:** Senator Queen;

**Senate Bill 544:** Senators Plymale, Roberts, and Queen;

**Senate Bill 556:** Senator Plymale;

**Senate Bill 566:** Senator Plymale;

**Senate Bill 571:** Senator Nelson;

**Senate Bill 576:** Senators Plymale and Maroney;

**Senate Bill 589:** Senator Maroney;

**Senate Bill 604:** Senator Plymale;

**Senate Bill 606:** Senator Deeds;

**Senate Bill 607:** Senator Deeds;

**Senate Bill 608:** Senators Plymale and Deeds;

**Senate Bill 609:** Senators Plymale and Deeds;

**Senate Joint Resolution 7:** Senator Maroney;

**Senate Concurrent Resolution 23:** Senator Stover;

**Senate Concurrent Resolution 24:** Senator Rucker;

**Senate Concurrent Resolution 25:** Senator Deeds;

**Senate Resolution 20:** Senators Chapman and Plymale;

And,

**Senate Resolution 22:** Senators Woelfel and Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:44 a.m., the Senate adjourned until tomorrow, Friday, February 2, 2024, at 9 a.m.

---

FRIDAY, FEBRUARY 2, 2024

The Senate met at 9:08 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Vince S. Deeds, a senator from the tenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Eric J. Tarr, a senator from the fourth district.

Pending the reading of the Journal of Thursday, February 1, 2024,

At the request of Senator Martin, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4801**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-1b, and to amend and reenact §12-1-5; §12-1B-5; and §12-1B-7 of said code; all relating generally to the banking authority of the State Treasurer's Office; setting forth prohibited clauses in State Treasurer contracts consistent with general restrictions on other state contracts; providing that the State Treasurer may implement the West Virginia Security for Public Deposits Program; and requiring announcement of the West Virginia Security for Public Deposits Program commencement date on the State Treasurer's website.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5332**—A Bill to amend and reenact §39-4-20 of the Code of West Virginia, 1931, as amended, relating to

exempting persons previously commissioned as a notary public from the requirement that notary publics have a high school diploma or its equivalent in order to be recommissioned as a notary public.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

The bill was read a second time and ordered to third reading.

Engrossed House Bill 5332 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 5332) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 5332) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Com. Sub. for Senate Bill 325** (originating in the Committee on Health and Human Resources), Relating to distribution of drugs to safety net providers and contract pharmacies.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Com. Sub. for Senate Bill 325** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-8-6a, relating to the distribution of drugs to safety

net providers and contract pharmacies; defining terms; penalties; promulgation of rules; and preemption.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 444**, Clarifying health insurance coverage for certain emergency services.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 444** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §33-15-21 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-16-3i of said code; to amend and reenact §33-24-7e of said code; to amend and reenact §33-25-8d of said code; and to amend and reenact §33-25A-8d of said code, all relating to health insurance coverage for emergency services; providing coverage mandates for ground ambulance services when a prudent layperson acting reasonably would have believed that an emergency medical condition existed; providing that covered services include pre-hospital screening and stabilization of emergency conditions by an ambulance service; providing that air ambulance service is excluded from coverage; providing that coverage is subject to deductibles or copayment requirements of the policy, contract, or plan; and providing that coverage be provided if the patient declines to be transported against medical advice.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The bill (Com. Sub. for S. B. 444), under the original double committee reference, was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 453**, Requiring pricing and payment transparency from pharmacy benefits managers contracting with PEIA.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 453** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended, relating to the Public Employees Insurance Agency; prohibiting a pharmacy benefit manager from reimbursing a pharmacy or pharmacist in an amount less than the national average drug acquisition cost for a prescription drug or pharmacy service; requiring the pharmacy benefit manager to pay a dispensing fee at least equal to the fee paid by West Virginia Medicaid; providing for alternative payment calculation in the event that the national average drug acquisition cost is not available; defining terms; providing effective date; requiring additional pharmacy data variables be reported to the Public Employees Insurance Agency; removing language requiring data provided by the pharmacy benefit manager to be kept confidential; requiring the director of the Public Employees Insurance Agency to report on an annual

basis; requiring the Public Employees Insurance Agency to require specific terms in its contract with a pharmacy benefit manager; and requiring the Public Employees Insurance Agency to issue a request for proposal for pharmacy benefit manager services with an effective date of July 1, 2025, and at least every three years thereafter.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

At the request of Senator Maroney, unanimous consent being granted, the bill (Com. Sub. for S. B. 453) contained in the foregoing report from the Committee on Health and Human Resources was then referred to the Committee on Finance.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 507**, Relating to repeal of WV EDGE.

And,

**Senate Bill 546**, Updating STEM scholarship program.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 529**, Including Salem University in PROMISE Scholarship program.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Education.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 540**, Updating surveying coordinate system.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 540** (originating in the Committee on Government Organization)—A Bill to amend and reenact §1-1-5 of the Code of West Virginia, 1931, as amended, relating to updating the West Virginia coordinate systems.

And,

**Senate Bill 557**, Updating compensation for firefighters required to work holidays.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 557** (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-15-10a of the Code of West Virginia, 1931, as amended, relating to compensation for firefighters who are required to work holidays; establishing that firefighters who are required to work during a legal holiday are entitled to compensation for their entire shift even if the shift spans two calendar days.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 547**, Authorizing legislative rules for Higher Education Policy Commission.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 563**, Updating Center for Nursing to Office of Nursing Education and Workforce Development.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 563** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-16-6; to amend and reenact §18C-3-4 of said code; to repeal §30-7A-7a of said code; and to repeal §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, and §30-7B-7 of said code, all relating to abolishing the Center for Nursing; repealing the supplemental licensure fee for licensed practical nurses, which funds the Center for Nursing; creating within the Higher Education Policy Commission an Office of Nursing Education and Workforce Development; moving the functions of the Center for Nursing to the Office of Nursing Education and Workforce Development; changing name of Center for Nursing Fund to Nursing Scholarship and Workforce Fund; transferring certain fund-related duties from the Vice Chancellor for Administration to the Chancellor; modifying funding sources for the fund; and limiting application of the award eligibility requirement that a student in a registered nurse program have completed half of the program to only those students in pre-licensure programs.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Health and Human Resources.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

The bill (Com. Sub. for S. B. 563), under the original double committee reference, was then referred to the Committee on Health and Human Resources.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. House Bill 4595**, Relating to the Legislative Oversight Commission on Health and Human Resources Accountability.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Health and Human Resources pending.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Woodrum:**

**Senate Bill 618**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-37-1, §22-37-2, §22-37-3, §22-37-4, §22-37-5, §22-37-6, §22-37-7, and §22-37-8, all relating to authorizing the Division of Forestry to administer the Carbon Exchange Program; outlining the scope of the Carbon Exchange Program; and providing program requirements for the Carbon Exchange Program.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 619**—A Bill to repeal §11-8-6E, §11-8-6F, and §11-8-6G of the Code of West Virginia, 1931, as amended, relating to required modification of levy rates resulting from increased valuation yield.

Referred to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 620**—A Bill to amend and reenact §16-66-2 of the Code of West Virginia, 1931, as amended, relating to pregnancy help organizations; and providing approved pregnancy help organizations flexibility to receive funding for various costs.

Referred to the Committee on Finance.

**By Senator Azinger:**

**Senate Bill 621**—A Bill to repeal §48-9-301 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-302 of said code, all relating to removing the discretion of the court to issue a written investigation for proceedings under this article; ensuring that the West Virginia judiciary remains neutral and detached in all matters pending before any court of this state; ensuring that the West Virginia judiciary does not in any way initiate or participate in investigations or other activities properly reserved to the executive consistent with the separation of powers required under Article V, Section 1, of the Constitution of the State of West Virginia; and ensuring that the West Virginia judiciary at all times in the performance of its duties acts in a manner consistent with West Virginia Judicial Code of Conduct.

Referred to the Committee on the Judiciary.

**By Senators Tarr and Woodrum:**

**Senate Bill 622**—A Bill to amend and reenact §3-2-25 of the Code of West Virginia, 1931, as amended, relating to time period of voting inactivity required to initiate a confirmation notice mailing.

Referred to the Committee on the Judiciary.

**By Senators Tarr and Woodrum:**

**Senate Bill 623**—A Bill to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating to requiring Division of Motor Vehicles to provide images of persons issued any identification or license to the Secretary of State for voter identification purposes.

Referred to the Committee on the Judiciary.

**By Senators Tarr and Woodrum:**

**Senate Bill 624**—A Bill to amend and reenact §3-2-27 of the Code of West Virginia, 1931, as amended, relating to authorizing cancellation of voter registration records for individuals who are no longer West Virginia citizens and who have obtained a driver's license in another state.

Referred to the Committee on the Judiciary.

**By Senators Tarr and Woodrum:**

**Senate Bill 625**—A Bill to amend and reenact §3-1-41 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-9-19 of said code, all relating to expressly prohibiting the acceptance of illegal ballots cast in any election; and providing criminal penalties for intentionally and knowingly accepting an absentee ballot that does not comply with state requirements for absentee voting.

Referred to the Committee on the Judiciary.

**By Senators Tarr and Takubo:**

**Senate Bill 626**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-18-1, §11-18-2, §11-18-3, and §11-18-4; and to amend said code by adding thereto a new article, designated §15-1L-1, §15-1L-2, §15-1L-3, §15-1L-4, §15-1L-5, §15-1L-6, §15-1L-7, and §15-1L-8, all relating to creating a program to reward citizens for information on drug trafficking; providing findings and intent; defining terms; creating an excise tax on opioid antagonists and test strips; creating a special revenue account; providing a short title; setting out a purpose; establishing a program for providing rewards for pertinent information; placing the program with the State Police; giving the Secretary of Homeland Security jurisdiction over the program; setting out privacy requirements; providing for exclusions; authorizing funding; requiring an application; exempting the reward from taxation and other legal processes; and providing for rulemaking.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senators Tarr and Woodrum:**

**Senate Bill 627**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-52, relating to prohibiting ranked choice voting in elections in West Virginia.

Referred to the Committee on the Judiciary.

**By Senators Tarr and Plymale:**

**Senate Bill 628**—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

Senator Takubo offered the following resolution:

**Senate Resolution 25**—Designating February 5, 2024, as Recovery Advocacy Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 26**, US Army PFC Clarence William (Buck) Holliday Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Resolution 23**, Designating February 2, 2024, as American Heart Association Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

**Senate Resolution 24**, Recognizing February 2, 2024, as WV Home School Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 50**, Authorizing Department of Revenue to promulgate legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 50) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 50) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 436**, Prohibiting intentional motor vehicle emissions that create hazards.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Eng. House Bill 4026**, Authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4026) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4026) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 331**, Eliminating cap on maximum amount of money in county's financial stabilization fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 466**, Requiring State Board of Education develop Safety While Accessing Technology education program.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 539**, Creating cold case database.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Eng. House Bill 4594**, Relating to extending managed care.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **ARTICLE 5. MISCELLANEOUS PROVISIONS.**

### **§9-5-27. Transitioning foster care into managed care.**

(a) "Eligible services" means acute care, including medical, pharmacy, dental, and behavioral health services.

(b) The secretary shall transition to a capitated Medicaid program for a child classified as a foster child and a child placed in foster care under Title IV-E of the Social Security Act who is living in the state by January 1, 2020. The program shall be statewide, fully integrated, and risk based; shall integrate Medicaid-reimbursed eligible services; and shall align incentives to ensure the appropriate care is delivered in the most appropriate place and time.

(c) The secretary shall make payments for the eligible services, including home and community-based services, using a managed care model.

(d) The secretary shall submit, if necessary, applications to the United States Department of Health and Human Services for waivers of federal Medicaid requirements that would otherwise be violated in the implementation of the program and shall consolidate any additional waivers where appropriate: *Provided*, That this subsection does not apply to the Aged and Disabled Waiver, the Intellectual/Developmental Disabilities Waiver, and the Traumatic Brain Injury Waiver.

(e) If a selected managed care organization ceases to contract ~~with the Department of Health and Human Services~~ to provide

Medicaid managed care services, it must provide all patient records, including medical records, to the next selected managed care organization to ensure the Eligible Medicaid Beneficiaries do not experience an interruption in care.

(f) In designing the program, the secretary shall ensure that the program:

(1) Reduces fragmentation and offers a seamless approach to meeting participants' needs;

(2) Delivers needed supports and services in the most integrated, appropriate, and cost-effective way possible;

(3) Offers a continuum of acute care services, which includes an array of home and community-based options; and

(4) Includes a comprehensive quality approach across the entire continuum of care services. and

~~(5) Consult stakeholders in the program development process, and the managed care organization that is awarded the contract shall create a voluntary advisory group of foster, adoptive, and kinship parents, which shall meet every quarter for the first year following the effective date of the changes made to this section during the 2019 Regular Session of the Legislature and then every six months thereafter, to discuss issues they are encountering with the managed care organization and recommend solutions. The managed care organization shall report on the recommendations of the advisory group and address how and why procedures have or have not changed based on those recommendations. This report shall be submitted to the secretary and the Legislative Oversight Commission on Health and Human Resources Accountability as set forth in §16-29E-1 et seq. of this code, and the public in a timely fashion and shall be available on the managed care organization's webpage.~~

~~(g) The department shall evaluate the transition to managed care and shall collect and annually report on the following items: the number of claims submitted, the number of claims approved, the number of claims denied, the number of claims appealed, the~~

~~resolution of appealed claims, the average time of an appeal, the average length of stay in a child residential care center, and health outcomes. The initial report will be filed by July 1, 2021, with the Legislative Oversight Commission on Health and Human Resources Accountability and the Foster Care Ombudsman with a final report submitted July 1, 2023.~~

~~(h) The transition of foster care to managed care shall terminate on June 30, 2024, unless cancelled by the secretary at an earlier date.~~

~~(i) (1) The Office of the Inspector General shall employ an independent foster care ombudsman, with experience as a former foster parent or experience in the area of child welfare;~~

~~(2) The duties of the ombudsman shall include, but are not limited to, the following:~~

~~(A) Advocating for the rights of foster children and foster parents;~~

~~(B) Participating in any procedure to investigate, and resolve complaints filed on behalf of a foster child or foster parent, relating to action, inaction or decisions of providers of managed care services, or the representatives of such providers, of public agencies, or of social service agencies, which may adversely affect the health, safety, welfare and rights of the foster child or foster parent;~~

~~(C) Monitoring the development and implementation of federal, state and local legislation, regulations and policies with respect to foster care services; and~~

~~(D) Establishing and maintaining a statewide uniform reporting system to collect and analyze data relating to complaints for the purpose of identifying and resolving significant problems faced by foster children and foster parents as a class. The data shall be submitted to the Bureau of Children and Families within the Department of Health and Human Resources and the Legislative Oversight Commission on Health and Human Resources Accountability on a quarterly basis;~~

~~(3) The ombudsman shall participate in ongoing training programs related to his or her duties or responsibilities.~~

(j) (g) An employee of the department who, as a function of that employment, has engaged in the development of any contract developed pursuant to the requirements of this section may not for a period of two years thereafter be employed by any agency or company that has benefitted or stands to benefit directly from a contract between the department and that agency or company.

~~(k)~~ (h) Any managed care company selected as the managed care contractor pursuant to the provisions of this article shall have at least 80 percent of the total full-time equivalent positions allocated to manage care of foster children in West Virginia according to the contract must have a primary workplace in the state of West Virginia.

The bill (Eng. H. B. 4594), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 504**, Relating to felony offense of sexual intercourse, intrusion, or contact with student.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 516**, Determining venue for custodial allocation actions independent of divorce.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Senate Bill 543**, Relating to research and economic development agreements for state institutions of higher education.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 571**, Creating WV Corridor H Advanced Energy and Economic Corridor Authority.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the thirteenth order of business.

At the request of Senator Takubo, unanimous consent being granted, a leave of absence for the day was granted Senator Rucker.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 1, 2024:

**Senate Bill 190:** Senator Barrett;

**Senate Bill 443:** Senator Roberts;

**Senate Bill 444:** Senators Barrett, Roberts, and Takubo;

**Senate Bill 453:** Senators Roberts and Deeds;

**Senate Bill 529:** Senator Oliverio;

**Senate Bill 544:** Senator Barrett;

**Senate Bill 557:** Senators Queen and Deeds;

**Senate Bill 571:** Senator Barrett;

**Senate Bill 583:** Senator Roberts;

**Senate Bill 614:** Senators Roberts, Taylor, and Rucker;

**Senate Bill 616:** Senator Woelfel;

**Senate Bill 617:** Senator Rucker;

**Senate Concurrent Resolution 26:** Senator Jeffries;

**Senate Resolution 23:** Senators Hamilton, Smith, Phillips, and Grady;

And,

**Senate Resolution 24:** Senators Hamilton, Smith, Roberts, Grady, and Taylor.

Pending announcement of meetings of standing committees of the Senate, including a majority party caucus,

On motion of Senator Takubo, at 9:42 a.m., the Senate adjourned until Monday, February 5, 2024, at 11 a.m.

---

## MONDAY, FEBRUARY 5, 2024

The Senate met at 11 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Michael T. Azinger, a senator from the third district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jason Barrett, a senator from the sixteenth district.

Pending the reading of the Journal of Friday, February 2, 2024,

At the request of Senator Hamilton, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communication from a state agency as required by the provisions of law:

Health and Human Resources, Department of (Breast and Cervical Cancer Screening Program) (§16-33-6)

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4292**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9c, relating to providing for enhanced damages for nonpayment of royalties due from oil, natural gas, or natural gas liquids production under the terms of a lease or other agreement.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4837**—A Bill to amend and reenact §31A-4-35 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46-3-118 of said code, as amended, all relating to modifying the duties of banks to retain records; limiting bank liability for the routine destruction of documents; providing uniformity between the statute of limitations for actions to enforce the obligation of a note and a banks duty to retain and produce records on such notes; providing uniformity between statute of limitations and presumption of abandonment under §36-8-2; providing a presumption of payment by the bank on any demand, savings, or time deposit, where the property qualifies as abandoned property under §36-8-2 of this code or where there is evidence of escheatment to the state; and modifying banks record production of notes presumed abandoned with record of escheatment to the state.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4965**—A Bill to amend the Code of West Virginia, 1931, as amended, by amending §14-2A-3 relating to a proviso that any award of restitution awarded pursuant to the provisions of §17C-5-2c of this code shall not be considered as a collateral source, and by adding thereto a new section, designated §17C-5-2c, related to discretionary restitution to children of victims of negligent homicide and mandatory restitution to children of victims of driving under the influence causing death; relating to eligibility of restitution; relating to factors relevant to determining the amount of restitution; relating to how restitution is to be handled during incarceration; relating to when restitution payments shall commence after release from incarceration; relating to court approved payment plans; relating to interest on arrearages; and relating to enforcement when there is non-compliance.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4998**—to amend and reenact §61-3A-3 of the Code of West Virginia, 1931, as amended, relating to modifying the penalties for third offense conviction of shoplifting; relating to a court ordered substance abuse disorder evaluation upon specific findings of fact by the trial court, after conviction pursuant to this section, and as part of the presentence investigation process; and relating to requiring a defendant that has been determined to have substance abuse disorder to undergo treatment for the substance use disorder.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5014**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the

balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Higher Education Policy Commission, West Virginia University, General Administration Fund, fund 0344, fiscal year 2024, organization 0463 by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5016**—A Bill to amend and reenact §17-5-1 of the Code of West Virginia, 1931, as amended, relating to making all inmates, regardless of gender, eligible to work on a state convict road force.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5117**—A Bill to amend and reenact §30-1-23 of the Code of West Virginia, 1931, as amended, generally relating to the waiver of initial licensing fees for certain individuals.

Referred to the Committee on Government Organization.

### **Executive Communications**

The Clerk presented the following communication from His Excellency, the Governor, regarding bills approved by him:



*Jim Justice*  
*Governor of West Virginia*

February 2, 2024

The Honorable Lee Cassis, Clerk  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for Senate Bill No. Two Hundred Sixty-Nine (269), which was presented to me on January 30, 2024.

You will note that I have approved this bill on February 2, 2024.

Sincerely,

A handwritten signature in blue ink, reading "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate proceeded to the fourth order of business.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

**Senate Bill 596**, Relating to administration of WV Water Pollution Control Act and Underground Carbon Dioxide Sequestration and Storage.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 596** (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §22-11-4, §22-11-22, §22-11-22a, §22-11-24, and §22-11-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-11B-3 and §22-11B-12 of said code, all related to the administration of the West Virginia Water Pollution Control Act and Underground Carbon Dioxide Sequestration and Storage to provide assurances to the United States Environmental Protection Agency regarding the State of West Virginia's application for primary enforcement authority over underground carbon dioxide sequestration programs; to insert cross references between the Underground Carbon Sequestration and Storage statutes and the West Virginia Water Pollution Control Act to protect water resources; providing that before a Certificate of Completion can be issued, all the requirements of a class six injection well permit must be met, including post injection site care and closure requirements; altering the minimum 10-year period between the end of injections and the issuance of the certificate to be either 50 years or another time period on a site-specific basis as determined by Department of Environmental Protection rules; providing exceptions and limitations to what liability is transferred to the state and what remains with the permittee; providing that a permittee will be responsible for certain contractual obligations and criminal liability; providing that a release of liability does not apply to

owners or operators of a facility when liability arises from noncompliance with applicable laws, regulations, or permits prior to issuance of the Certificate of Completion; providing for liability when it is determined that fluid migration has occurred that causes or threatens underground sources of drinking water; providing that the secretary will implement the article in a manner consistent with the requirements of the federal Safe Drinking Water Act; providing for the exercise of the state's authority to restrain people from endangering or damaging public health or the environment.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Randy E. Smith,  
*Chair.*

At the request of Senator Trump, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Energy, Industry, and Mining.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Trump:**

**Senate Bill 629**—A Bill to amend and reenact §15A-11-5 of the Code of West Virginia, 1931, as amended, relating to rules for statewide building codes promulgated by the State Fire Commission; and requiring a builder to follow the provisions of the State Building code in the construction or renovation of a structure if a county or municipality does not provide inspection and enforcement services.

Referred to the Committee on Government Organization.

**By Senator Woelfel:**

**Senate Bill 630**—A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended, relating to defining protections for election officials and election workers, including poll workers while performing the duties of the election process; and clarifying the conditions and circumstances of protections.

Referred to the Committee on the Judiciary.

**By Senator Barrett:**

**Senate Bill 631**—A Bill to amend and reenact §16-13-16 of the Code of West Virginia, 1931, as amended, relating to prohibiting municipalities from shutting off a user's water for nonpayment of stormwater fees; and allowing for municipalities to impose a lien to obtain payment without shutting off, or disconnecting, service.

Referred to the Committee on Government Organization.

**By Senator Trump:**

**Senate Bill 632**—A Bill to amend and reenact §27-6A-12 of the Code of West Virginia, 1931, as amended, relating to continuing the study group on competency and criminal responsibility; adding brain injuries to the subjects to be studied; amending the membership of the study group; establishing a steering committee within the study group; setting a deadline for the report to be presented and to which offices and committees the report should be submitted; and enabling the steering committee to seek funding.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 633**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-3-19, relating to requiring training in brain injury screening for personnel at Division of Corrections and Rehabilitation; requiring screening of all incoming and currently incarcerated individuals for brain injuries; requiring that the screening processes

be designed with input from a study group dealing with competency and criminal responsibility; and listing the agencies required to enter a memorandum of understanding in order to share confidential health information that is pertinent to the study group's study.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Oliverio:**

**Senate Bill 634**—A Bill to amend and reenact §64-6-4 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal to promulgate a legislative rule relating to electrician licensing rules.

Referred to the Committee on Government Organization.

**By Senator Oliverio:**

**Senate Bill 635**—A Bill to amend and reenact §18B-19-10 of the Code of West Virginia, 1931, as amended, relating to modifying when a commission, council, or a governing board may sell, convey, or otherwise dispose of any real property that was gifted or devised to it.

Referred to the Committee on Government Organization.

**By Senators Oliverio and Queen:**

**Senate Bill 636**—A Bill to amend and reenact §3-1-41 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-9-19 of said code, all relating to expressly prohibiting the acceptance of illegal ballots cast in any election; and providing criminal penalties for intentionally and knowingly accepting an absentee ballot that does not comply with state requirements for absentee voting.

Referred to the Committee on the Judiciary.

**By Senator Taylor:**

**Senate Bill 637**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3C-14d, relating to prohibiting public disclosure of an

individual's personal information on the internet in certain circumstances; defining terms; and providing penalties.

Referred to the Committee on the Judiciary.

**By Senators Oliverio and Stover:**

**Senate Bill 638**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2J-1 and §24-2J-2, all relating to establishing a community solar pilot program for subscribers to gain credits against their utility bills; providing legislative findings; defining terms; authorizing subscriber-based solar projects that allow solar power production to be granted credit against electric power costs; providing that an authorized project is not deemed as a utility; providing conditions and terms for operation for a facility; providing for regulation of the pilot program by the Public Service Commission; providing conditions for credits; providing requirements for subscriber organizations; and providing Public Service Commission rule-making authority and directives.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 639**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Office of the Secretary, fund 0606, fiscal year 2024, organization 0327, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding a new item of appropriation.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 640**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of

Economic Development – Office of the Secretary, fund 0256, fiscal year 2024, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding a new item of appropriation.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 641**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Education, State Board of Education – Aid for Exceptional Children, fund 0314, fiscal year 2024, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items of appropriation.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 642**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Veterans' Assistance, Department of Veterans' Assistance, fund 0456, fiscal year 2024, organization 0613, and Department of Veterans' Assistance, Department of Veterans' Assistance – Veterans' Home, fund 0460, fiscal year 2024, organization 0618, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items of appropriation.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 643**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the

State Fund, General Revenue, to Department of Education, State Board of Education – School Building Authority, fund 0318, fiscal year 2024, organization 0404, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 644**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry, fund 0250, fiscal year 2024, organization 0305, and the Department of Commerce, Geological and Economic Survey, fund 0253, fiscal year 2024, organization 0306, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items of appropriation.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 645**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2024, organization 0209, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 646**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of

Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2024, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding a new item of appropriation.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 647**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2024, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 648**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 0433, fiscal year 2024, organization 0603, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senator Hunt:**

**Senate Bill 649**—A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-9-10 of said code, all relating to clarifying per diem compensation and reimbursable expenses for senior intermediate court judges and senior family court judges recalled into service.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 650**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Higher Education Policy Commission, Fairmont State University, fund 0360, fiscal year 2024, organization 0484, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 651**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to Miscellaneous Boards and Commissions, West Virginia Economic Development Authority, fund XXXX, fiscal year 2024, organization 0944, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 652**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Health Facilities – William R. Sharpe Jr. Hospital, fund 0413, fiscal year 2024, organization 0512, and the Department of Health and Human Resources, Health Facilities – Mildred Mitchell-Bateman Hospital, fund 0414, fiscal year 2024, organization 0512, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items of appropriation.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 653**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the State Department of Education, State Board of Education – School Building Authority, fund 0318, fiscal year 2024, organization 0404, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 654**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, Executive, Governor's Office, fund 0101, fiscal year 2024, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by increasing an existing item of appropriation.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 655**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2024, organization 0441, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 656**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2024, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items of appropriation.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 657**—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2024, in the amount of \$71,000,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 658**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, the Department of Administration, Public Defender Services, fund 0226, fiscal year 2024, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items of appropriation.

Referred to the Committee on Finance.

**By Senator Caputo:**

**Senate Bill 659**—A Bill to amend and reenact §5-10-22n of the Code of West Virginia, 1931, as amended, relating to

increasing the minimum benefit for certain annuitants with at least 20 years of total service.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 660**—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2024, in the amount of \$150,000,000 from the Executive, Treasurer's Office, Personal Income Tax Reserve Fund, fund 1313, fiscal year 2024, organization 1300.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 661**—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2024, in the amount of \$35,000,000 from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 662**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2024, organization 0441, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 663**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Administrative Services – Criminal Justice Fund, fund 0546, fiscal year 2024, organization 0623, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 664**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Revenue, West Virginia Office of Tax Appeals, fund 0593, fiscal year 2024, organization 0709, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 665**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health - Central Office, fund 0407, fiscal year 2024, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items of appropriation.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 666**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Environmental Protection, Division of Environmental Protection, fund 0273, fiscal year 2024, organization 0313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

Senators Maynard, Azinger, Chapman, Rucker, and Taylor offered the following resolution:

**Senate Concurrent Resolution 27**—Affirming the power of all 50 states to repel invasions as stated in the United States Constitution.

Which, under the rules, lies over one day.

Senator Smith offered the following resolution:

**Senate Resolution 26**—Designating February 6, 2024, as Preston County Day at the Legislature.

Which, under the rules, lies over one day.

Senators Rucker and Barrett offered the following resolution:

**Senate Resolution 27**—Recognizing Leadership Jefferson for its service, dedication, and commitment to Jefferson County, West Virginia.

Which, under the rules, lies over one day.

Senator Takubo offered the following resolution:

**Senate Resolution 28**—Designating February 6, 2024, as Local Food and Farms Day at the Legislature.

Which, under the rules, lies over one day.

At the request of Senator Martin, unanimous consent being granted, the name of Senator Martin was added as a co-sponsor to **Senate Bill 529** (*Including Salem University in PROMISE Scholarship program*).

The Senate proceeded to the seventh order of business.

**Senate Resolution 25**, Designating February 5, 2024, as Recovery Advocacy Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 331**, Eliminating cap on maximum amount of money in county's financial stabilization fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 331) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 331) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 436**, Prohibiting intentional motor vehicle emissions that create hazards.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 436 pass?"

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—24.

The nays were: Azinger, Chapman, Karnes, Martin, Maynard, Rucker, Smith, Stover, Stuart, and Taylor—10.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 436) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 466**, Requiring State Board of Education develop Safety While Accessing Technology education program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 466 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 466) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 539**, Creating cold case database.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 539) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 4594**, Relating to extending managed care.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4594) passed.

The following amendment to the title of the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

**Eng. House Bill 4594**—A Bill to amend and reenact §9-5-27 of the Code of West Virginia, 1931, as amended, relating to foster care; removing stakeholder requirements; removing reporting requirements; removing termination date of foster care contract; and removing duties of Foster Care Ombudsman.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4594) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 504**, Relating to felony offense of sexual intercourse, intrusion, or contact with student.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 516**, Determining venue for custodial allocation actions independent of divorce.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 543**, Relating to research and economic development agreements for state institutions of higher education.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 571**, Creating WV Corridor H Advanced Energy and Economic Corridor Authority.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Com. Sub. for Com. Sub. for Senate Bill 325**, Relating to distribution of drugs to safety net providers and contract pharmacies.

**Senate Bill 507**, Relating to repeal of WV EDGE.

**Senate Bill 529**, Including Salem University in PROMISE Scholarship program.

**Com. Sub. for Senate Bill 540**, Updating surveying coordinate system.

**Senate Bill 546**, Updating STEM scholarship program.

**Senate Bill 547**, Authorizing legislative rules for Higher Education Policy Commission.

**Com. Sub. for Senate Bill 557**, Updating compensation for firefighters required to work holidays.

And,

**Eng. Com. Sub. for House Bill 4801**, Relating generally to the banking authority of the State Treasurer's Office.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Takubo.

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 2, 2024:

**Com. Sub. for Com. Sub. for Senate Bill 325:** Senator Rucker.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on February 2, 2024:

**Senate Bill 620:** Senators Taylor and Chapman;

**Senate Bill 624:** Senator Roberts;

**Senate Bill 625:** Senator Roberts;

**Senate Bill 627:** Senator Roberts;

And,

**Senate Resolution 25:** Senator Caputo.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 11:29 a.m., the Senate adjourned until tomorrow, Tuesday, February 6, 2024, at 11 a.m.

---

## TUESDAY, FEBRUARY 6, 2024

The Senate met at 11:09 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Pastor Steve Wotring of Mission: Take Back in Bruceton Mills, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jack David Woodrum, a senator from the tenth district.

Pending the reading of the Journal of Monday, February 5, 2024,

At the request of Senator Clements, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant Medal of Valor recipients and their spouses privileges of the floor for the day.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

**Eng. Com. Sub. for Senate Bill 31**, Authorizing Department of Human Services to promulgate legislative rules.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5006**—A Bill to amend and reenact §22-15A-2 and §22-15A-16 of the Code of West Virginia, 1931, as amended, relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan to eliminate antiquated recycling goals and to set new criteria for evaluating the State's success in achieving its recycling goals; defining new terms; providing certain exceptions; establishing reporting requirements for recycling establishments of certain defined recycled materials; establishing a required yearly reporting date; and providing for rule making.

Referred to the Committee on Energy, Industry, and Mining.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5019**—A Bill to amend and reenact §17B-3-9 of the Code of West Virginia, 1931, as amended, relating to surrender and return of license not required for disqualifying or downgrading a driver's license.

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5045**—A Bill to amend and reenact §22-11-4, §22-11-22, §22-11-22a, §22-11-24, and §22-11-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-11B-3 and §22-11B-12 of said code, all related to the administration of the West Virginia Water Pollution Control Act and Underground Carbon Dioxide Sequestration and Storage to provide assurances to the United States Environmental Protection Agency regarding the State of West Virginia's application for primary enforcement authority over underground carbon dioxide sequestration programs; to insert cross references between the Underground Carbon Sequestration and Storage

statutes and the West Virginia Water Pollution Control Act to protect water resources; providing that before a Certificate of Completion can be issued all the requirements of a class 6 injection well permit must be met, including post injection site care and closure requirements; altering the minimum 10-year period between the end of injections and the issuance of the certificate to be either 50 years or another time period on a site-specific basis as determined by DEP rules; providing exceptions and limitations to what liability is transferred to the state and what remains with the permittee; providing that a permittee will be responsible for certain contractual obligations and criminal liability; providing that a release of liability does not apply to owners or operators of a facility when liability arises from noncompliance with applicable laws, regulations, or permits prior to issuance of the Certificate of Completion; providing for liability when it is determined that fluid migration has occurred that causes or threatens underground sources of drinking water; providing that the secretary will implement the article in a manner consistent with the requirements of the federal Safe Drinking Water Act; providing for the exercise of the state's authority to restrain people from endangering or damaging public health or the environment.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5096**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §16-13A-26, relating to publication of notices of federal or state violations by public service districts.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5127**—A Bill to amend and reenact §18B-3D-6 of the Code of West Virginia, 1931, as amended, relating to including Potomac State College of West Virginia University as an eligible institution for permanent participation in the "Learn and Earn Program"; and removing reference to the program being a "pilot" program.

Referred to the Committee on Economic Development.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5157**—A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating to increasing the tax rate imposed on certain hospitals up to the maximum amount allowed by the Centers for Medicare and Medicaid Services (CMS).

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5310**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-63-1, relating to the creation of the Remote Patient Outcome Improvement Act; providing for definitions; providing for a short title; creating definitions; and providing for utilization.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 64**—In the spirit of our great Republic binding the states of our shared country, we, the Legislature of West Virginia, in solemn assembly, do hereby avow

support for our sister state, Texas, which faces a crisis of unprecedented scale at our nation's southern border.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Com. Sub. for Senate Bill 441** (originating in the Committee on Transportation and Infrastructure), Restricting driving in left lane of multi-lane highways in WV.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Com. Sub. for Senate Bill 441** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-7-1 of the Code of West Virginia, 1931, as amended, relating to the regulation of driving on the right side of roadways and restricting driving in the left lane of multilane highways; adding exemptions from the requirement of driving upon the right half of the roadway; specifying when a vehicle may not be driven in the left lane of a multilane highway and providing exemptions; and requiring the Division of Highways to erect signs.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

**Senate Bill 512**, Clarifying non-agricultural status of solar farms.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 512** (originating in the Committee on Agriculture and Natural Resources)—A Bill to amend and reenact §11-1A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-19-2 of said code; all relating to clarifying when solar farms are not agricultural operations or in the business of farming for purposes of agricultural production and taxation; and clarifying the definition of "Agricultural operation".

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Bill Hamilton,  
*Chair.*

The bill (Com. Sub. for S. B. 512), under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 548**, WV Appellate Reorganization Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 548** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §51-11-4 of the Code of West Virginia, 1931, as amended, relating to clarifying the appellate jurisdiction of the Intermediate Court of Appeals.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

**Senate Bill 554**, Prohibiting certain persons from receiving compensation for advising or assisting with veterans benefits.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Ryan W. Weld,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

**Senate Bill 595**, Amending embalmer licensing requirements.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 595** (originating in the Committee on Military)—A Bill to amend and reenact §30-6-3 and §30-6-8 of the Code of West Virginia, 1931, as amended, relating to amending the embalmer licensing requirements to permit a certain number of years of active military duty to substitute for college credit hours to qualify for licensure.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Ryan W. Weld,  
*Chair.*

At the request of Senator Woodrum, as chair of the Committee on Government Organization, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Military.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

**Senate Bill 600**, Revising criteria for receiving reenlistment or retention bonus.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Ryan W. Weld,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Military.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

**Senate Concurrent Resolution 24**, Recognizing First Responders Honor Board's nominees for Medal of Valor.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Craig Blair,  
*Chair ex officio.*

At the request of Senator Takubo, unanimous consent being granted, the resolution (S. C. R. 24) contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. C. R. 24) adopted.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Deeds and Karnes regarding the adoption of Senate Concurrent Resolution 24 were ordered extended in the Journal as follows:

SENATOR DEEDS: Thank you, Mr. President.

The Medal of Valor is awarded to firefighters, law-enforcement officers, and emergency medical services personnel who distinguish themselves by going above and beyond the call of duty to protect human life at the risk of their own lives.

The First Responders Honor Board has submitted the following nominees for the Senate's consideration and, and will announce two and then explain their story just for a moment and then give the third nominee and his story in just a moment.

The first nominee is Deputy Director Derek Long of the Upshur County Emergency Management Department for extraordinary effort and exemplary service. And also the same incident Sheriff John Coffman of the Upshur County Sheriff's Department who was severely wounded in the line of duty.

This all began on June 16, 2022 . . . and this was in a very public area. It was on Interstate 79 which most of us travel on a regular basis. And it was in, near, the town of Weston, about mile marker 100. On that morning, Director Long was going to work and he was passing by and he saw what appeared to be a motor vehicle accident in the southbound lanes. So, doing his job, as he traditionally did, he pulled across and approached the vehicle. As he approached the vehicle, the perpetrator fired two rounds. And so Director Long, he retreated, got on 911 on the radio, called for assistance. And then he began to block motorists from driving by the suspect. As the law-enforcement officers started coming, Sheriff Coffman, at that time he was Chief Deputy, he rolled up and he stopped and blocked the traffic. But there was a lot of passersby, you know a lot of people didn't know what was going on, and so they literally blocked the—with their vehicles—the roadway. And as this suspect continued to fire with a .308 rifle in their direction . . . and so as the sheriff approached his vehicle to

retrieve a long rifle, he was shot and severely injured. And so, Director Long, seeing his condition, drug him back to his patrol car and actually put him in the vehicle, took him to the hospital, and provided life-saving measures there.

So these two gentlemen that are here today are inter-related for life. It . . . just a typical day, they were just going to work. And then this incident happened right on I-79, right there at mile marker 100.

And so, I appreciate their service and I want to take just a moment to explain our third nominee, which is a dear friend of mine and a brother of mine. At the time his rank was Corporal David Fry. Corporal David Fry is with the West Virginia State Police and he's nominated for being severely wounded in the line of duty.

His circumstances were completely different. Completely different than the very public demonstration from our other nominees. His circumstances was in the middle of the night. He's the only trooper, only law-enforcement officer, in Lincoln County. And he was working the night by himself, and about two o'clock in the morning . . . he received a call of a domestic situation. It was a third-party call. A neighbor called it in. And so, he knew that this situation was going on, but who else is going to respond? Corporal Fry responded and was made keeping his dispatch up to date on what was going on. They received another call that the situation was continued to spiral out of control . . . .

And so he approached a building in the middle of the night, by himself with no back-up at all within miles and miles of his location. And then...it is an apartment building on top of a little supermarket area, and so he had to go in. He knew that there was something was wrong and, as a seasoned law-enforcement officer, he knew that he had to respond because something detrimental could be going on in the residence. So he come up on a flight of stairs and then approached into the security door which was unlocked, fortunately, to the apartment complex . . . and he . . . down the hallway there was apartments on both sides. So he walked down the hallway discreetly, tactically, and then he . . . as he approached the first door on the right, it was open. Mind you, this

is in the middle of the night, with no help anywhere in sight except for Corporal Fry.

And then as he cut the corner on the doorframe, he could see the victim of the domestic. Within about 10 feet, from about as from me to [inaudible]. And he could see her, but she would not acknowledge him because she was staring back down inside the apartment, down next to the doorway there and that was her significant other that was holding a SKS 7.62 by .39 rifle on her. And so, she would not move and of course, it was close quarters . . . Sergeant Fry, Corporal Fry . . . as he cut the corner he could see the subject holding the rifle in there. He knew that he had to resolve the situation. He couldn't go home . . . he had to take care of it and he had to take care of it appropriately. And so he began to engage the man and talk to him about, you know, "hey it's just . . . you know, I'm Corporal David Fry of the State Police, you know it's just us here tonight, you know we've got to resolve this situation." And as he engaged the man, you know, the man was becoming a little bit distracted . . . you know, I believe he didn't understand that Corporal Fry was the only law-enforcement officer there. So he got a little distracted and as that gentleman became distracted, the victim . . . Corporal Fry got the victim to come out of the apartment . . . run right past him. And to keep the suspect from shooting her, he stepped in the line of fire. He stepped in the gap from about as me . . . again, from me to [inaudible], and of course a fire fight happened. They exchanged gunfire, Corporal Fry was wounded in his chest, and shattered his wrist. And then, the suspect went back into the apartment. Didn't know for sure if he was . . . what kind of status . . . health status he had. But Corporal Fry was concerned about the victim. Where she was at. And so he made sure that she had . . . she retreated and he told her just to run, said "there's nobody else coming. I'm the only one here. You run and hide and I'll take care of this circumstance."

And fortunately, she did as she was told and she left the area and went and hid. And Corporal Fry stayed there until . . . he could not determine, he was losing a large amount of blood and didn't know his health status . . . He was starting to get to the point to where he could not help anyone, including himself. And so he

ended up, at the last moment he was notifying his dispatch of what was going on and they were trying to send people to him. But unfortunately, in our rural areas, in our coalfields, help is a long ways away. And so . . . and Corporal Fry knew that. But he also knew that his victim was secure, didn't have to worry about her, and knew the bad guy had been at least . . . at least injured, and was not . . . no longer a threat to anyone else. So Corporal Fry gets in his car, as he's . . . trying to gather what life he has left in his body . . . and drives to 119 out here, out on Southridge, and that's where he met the law-enforcement officers and got the help that he needed.

Ladies and gentlemen, I . . . you know we talk about law enforcement on a daily basis, how precious they are and how they serve us each and every day. And they do. They go places we can only imagine and they do things we can only dream of doing. They are the thin blue line that protects us daily so we can sleep at night. Whether it's down in the coalfields—we can get a good night's sleep in the coalfields because the troopers are there—law enforcement's there, sheriff's departments . . . . And then also, they protect us during the day. We may just be traveling up to WVU football game and these gentlemen here today will protect you and take care of you . . . because that's what they do. That's ultimately what they do.

Every first responder, every law-enforcement officer that's here today has given a full measure of valor for our state and our country and for our God. We cannot contemplate the sacrifice that these men have given . . . and their families . . . what they have given for us. And what they have given for our state and our country.

It reminds me, of course, of the great sacred scripture Matthew 5:9, says this, "Blessed are the peacemakers for they are the sons of God." And Mr. President, I know that this helps us all remember the gravity of what these men and women do . . . this Medal of Valor does this. But let us all remember this: Each and every day, every day that we come here to work and represent the citizens of West Virginia and this great country, in this esteemed chamber . . . . Let us always remember this and remember these men and women of valor. Let us remember that the true measure of a person is not

found in the might of their arm, or in their wealth, or in their power. The true measure of a person is found in the eternal spiritual strength of their character. There's no greater testimony, no greater testimony whatsoever, to one's character or to one's heavenly father, than one's willingness to sacrifice all . . . and the noble quest of providing protection to us all . . . whom they serve.

The West Virginia Senate, Mr. President, and myself, are so honored to support these Medal of Valor nominees and we are eternally grateful for their sacrifice and their service.

Mr. President, I urge adoption of the resolution.

---

SENATOR KARNES: Thank you, Mr. President.

I'll just be real quick.

I've known Mike and Derek for quite a while. Probably more than 10 years, maybe more than 12 years. When I heard about the events that happened out on the interstate, I can say that there was no surprise whatsoever that both of these guys were willing to step up and put themselves into harm's way and . . . people of Upshur County are just better off to have citizens like this serving in whatever capacity they serve and people of West Virginia are better off as well that they choose to call this state home.

Thank you.

---

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Takubo:**

**Senate Bill 667**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-3G-1, §30-3G-2, §30-3G-3, §30-3G-4, §30-3G-5, §30-3G-6, §30-

3G-7, §30-3G-8, §30-3G-9, §30-3G-10, §30-3G-11, §30-3G-12, and §30-3G-13, all relating to creating the Physicians Licensure Compact; providing for a purpose; creating definitions; providing for state participation in the compact; creating the compact privilege; providing for the designation of the state from which licensee is applying for a compact privilege; defining adverse actions; providing for the establishment of the Physician Assistant Licensure Compact Commission; defining the data system; providing for rulemaking; providing for oversight, dispute resolution, and enforcement; providing for the date of implementation of the Physician Assistant Licensure Compact Commission; providing for construction and severability; and creating the binding effect of the compact.

Referred to the Committee on Health and Human Resources.

**By Senator Takubo:**

**Senate Bill 668**—A Bill to amend and reenact §60A-10-4 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of ephedrine, pseudoephedrine, or phenylpropanolamine a person may purchase annually.

Referred to the Committee on Health and Human Resources.

**By Senators Tarr and Grady:**

**Senate Bill 669**—A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to county economic opportunity development districts; authorizing the Mason County Commission to levy a special district excise tax; authorizing the special district excise tax for the benefit of the Town of Henderson Economic Opportunity District; setting forth the land area within the special district subject to the special district excise tax; authorizing the commission to create the district and levy the special district excise tax without the approval of the executive director of the development office; authorizing the commission to determine the base district tax, the base tax revenue amount, the gross annual district tax revenue amount and the estimated net annual district tax revenue amount; and requiring the Tax Commissioner to provide the commission with certification of the base tax revenue amount.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 670**—A Bill to amend and reenact §33-3-14d of the Code of West Virginia, 1931, as amended, relating to distributions from funds collected from a premium tax on fire insurance and casualty insurance policies; clarifying requirements of distributions from funds collected from a premium tax on fire insurance and casualty policies; directing that ten percent of funds collected from a premium tax on fire insurance and casualty insurance policies currently paid to the Teachers Retirement System be deposited in the Municipal Pensions Security Fund to be distributed by the Municipal Pensions Oversight Board in certain circumstance; and decreasing the time in which a municipal policeman's or fireman's pension and relief funds may fail to comply with investment provisions before it may be required to invest with the state Investment Management Board in order to continue to receive funds from a premium tax on fire insurance and casualty insurance policies.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 671**—A Bill to amend and reenact §11-17-2, §11-17-3, §11-17-4, and §11-17-7 of the Code of West Virginia, 1931, as amended; to repeal §11-17-4a, §11-17-4b, and §11-17-9 of said code; to amend said code by adding thereto two new sections, designated §16-4C-26 and §16-4C-27, all relating to tobacco products; defining terms; increasing tax on tobacco products other than cigarettes is increased; allocating revenue to the West Virginia Division of Tobacco Prevention; repealing vape tax; repealing tax to be levied by municipalities or other governmental subdivisions; repealing tax for person affixing stamps and paying of tax; levying user fee on cigarettes to be directed to support Emergency Medical Services; and creating a special revenue fund to receive funds from the created user fee.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 672**—A Bill to amend and reenact §9-5-20 of the Code of West Virginia, 1931, as amended, relating to Medicaid coverage for blood pressure monitoring devices to be offered to certain persons who have been diagnosed with hypertension; requiring benefits be provided; and requiring reimbursement for related costs.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 673**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-52, relating to prohibiting ranked choice voting in elections in West Virginia.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 674**—A Bill to amend and reenact §3-2-27 of the Code of West Virginia, 1931, as amended, relating to authorizing cancellation of voter registration records for individuals who are no longer West Virginia citizens and have obtained a driver's license in another state.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 675**—A Bill to amend and reenact §7-18-13a of the Code of West Virginia, 1931, as amended, relating to setting a date by which convention and visitors bureaus shall be accredited in order to be eligible for distribution of hotel occupancy tax proceeds.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 676**—A Bill to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to provide images of persons issued any identification or license to the Secretary of State for voter identification purposes.

Referred to the Committee on the Judiciary.

**By Senators Woodrum, Barrett, and Queen:**

**Senate Bill 677**—A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-8-1 of said code; and to amend and reenact §60A-9-4 of said code, all relating generally to medical cannabis; modifying allowable forms of medical cannabis to include edible form; specifying certain requirements applicable to medical cannabis dispensed in edible form; modifying the unlawful use of medical cannabis; relating to the controlled substance monitoring database; adding the reporting of dispensing medical cannabis to the controlled substance monitoring database; and relating to certain required information for controlled substances monitoring.

Referred to the Committee on Government Organization.

**By Senators Weld, Deeds, Jeffries, and Clements:**

**Senate Bill 678**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1r, relating to the electrical needs of the premises of the United States armed forces or the West Virginia National Guard; providing that the provision of electricity from a certified high impact industrial business development district to meet the needs of the premises of the United States armed forces or the West Virginia National Guard does not constitute a public service; and providing exemptions from the limitations on power purchase agreements or net metering and interconnections standards as provided in code for a certified high impact industrial business development district which enters into a power purchase agreement with the United States armed forces or the West Virginia National Guard to provide electricity only to meet the needs of its premises.

Referred to the Committee on Economic Development.

**By Senator Stuart:**

**Senate Bill 679**—A Bill to amend and reenact §11-16-23 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-12E-12 of said code; to amend and reenact §19-12F-1, §19-12F-3, §19-12F-4, §19-12F-5, §19-12F-6, §19-12F-7, §19-12F-8, §19-12F-9, and §19-12F-11 of said code; and to amend said code by adding thereto a new section designated §19-12F-9a, to amend and reenact §60-7-13 of said code, all relating to regulation of select plant-based derivatives, including hemp-derived cannabinoid products, and regulation of kratom; amending the short title; clarifying findings; defining terms; requiring permits to manufacture, process, distribute, offer to sell, and sell regulated products; specifying regulatory authority of the Commissioner of Agriculture and the Alcohol Beverage Control Administration Commissioner; specifying funding requirements for nonintoxicating beer tax revenues; making technical corrections; specifying application of the Administrative Procedures Act for certain contested cases; specifying application fees for certain permits; specifying requirements for business registration certificate, nexus, jurisdiction, and taxation relating to remote interstate sales and distribution; specifying maintenance of lists by the Commissioner of Agriculture of permittees, approved products and entities, and persons who cease to be permitted; specifying labeling requirements; requiring age verification for certain sales; authorizing use of funds by the Commissioner of Agriculture and Alcohol Beverage Control Administration Commissioner; specifying application of Tax Commissioner's fee; authorizing memoranda of understanding and information sharing between Tax Commissioner, Commissioner of Agriculture and Alcohol Beverage Control Administration Commissioner; specifying administrative sanctions; authorizing the Alcohol Beverage Control Administration Commissioner to enforce regulation of the product at the retail level; authorizing enforcement actions involving agents of the Alcohol Beverage Control Administration Commissioner and persons acting upon the request, direction, or control of law-enforcement agencies; clarifying Alcohol Beverage Control Administration Commissioner's authority over alcohol

licensees selling kratom and hemp-derived cannabinoid products; specifying transfer of excess Alcohol Beverage Control Enforcement Fund money; and specifying criminal penalties related to crimes relating to regulated products.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 680**—A Bill to amend and reenact §18A-4-2 and §18A-4-8a of the Code of West Virginia, 1931, as amended, relating to increasing the compensation of classroom teachers certified in special education and assigned full-time to a self-contained classroom; and increasing the compensation of aides assigned full-time to a self-contained classroom.

Referred to the Committee on Education; and then to the Committee on Finance.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 27**, Affirming power of states to repel invasions for our nation's security.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on the Judiciary.

**Senate Resolution 26**, Designating February 6, 2024, as Preston County Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Smith, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

**Senate Resolution 27**, Recognizing Leadership Jefferson for its service, dedication, and commitment to Jefferson County.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Rucker, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

**Senate Resolution 28**, Designating February 6, 2024, as Local Food and Farm Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 504**, Relating to felony offense of sexual intercourse, intrusion, or contact with student.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 504) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 516**, Determining venue for custodial allocation actions independent of divorce.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 516) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 543**, Relating to research and economic development agreements for state institutions of higher education.

On third reading, coming up in regular order, was read a third time and put upon its passage.

At the request of Senator Plymale, unanimous consent being granted, Senator Plymale was excused from voting under Rule 43 of the Rules of the Senate.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: None.

Excused from voting: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 543) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 571**, Creating WV Corridor H Advanced Energy and Economic Corridor Authority.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 571 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 571) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Com. Sub. for Senate Bill 325**, Relating to distribution of drugs to safety net providers and contract pharmacies.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 507**, Relating to repeal of WV EDGE.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 529**, Including Salem University in PROMISE Scholarship program.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 540**, Updating WV coordinate systems.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 546**, Updating STEM scholarship program.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Senate Bill 547**, Authorizing legislative rules for Higher Education Policy Commission.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 557**, Relating to compensation for firefighters required to work holidays.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Eng. Com. Sub. for House Bill 4801**, Relating generally to the banking authority of the State Treasurer's Office.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Azinger, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **ARTICLE 1. STATE DEPOSITORIES.**

### **§12-1-1b. Prohibited clauses in State Treasurer contracts.**

(a) Any term or condition in any contract entered into by the State Treasurer shall be void ab initio to the extent that it requires the State Treasurer to agree to or abide by a term and condition prohibited in §5A-3-62 of this code.

(b) No official, employee, agent, or representative of the State Treasurer may contravene this section, and no oral or written expression of consent to any term or condition declared void ab initio by this section, or signature on a contract, may be deemed as such. Any contract that contains a term or condition declared void ab initio by this section shall otherwise be enforceable as if it did not contain such term or condition. All contracts entered into by the State Treasurer, except for contracts with another government, shall be governed by West Virginia law notwithstanding any term or condition to the contrary.

### **§12-1-5. Limitation on amount on deposit; dedicated method; rules.**

(a) The amount of state funds on deposit in any depository in excess of the amount insured by an agency of the federal government shall be secured by a deposit guaranty bond issued by a valid bankers' surety company or by other securities acceptable

to the State Treasurer, pursuant to the dedicated method ~~as defined in §12-1B-4 of this code~~, in an amount of at least 102 percent of the amount on deposit. The value of the collateral shall be determined by the State Treasurer.

(b) The State Treasurer ~~shall~~ may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code and may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code as are necessary to effectuate the provisions of this section.

(c) For the purposes of this section, the term "dedicated method" means the securing of public deposits without accepting the contingent liability for the losses of public deposits of other designated state depositories as provided in this section.

## **ARTICLE 1B. WEST VIRGINIA SECURITY FOR PUBLIC DEPOSITS ACT.**

### **§12-1B-5. West Virginia Security for Public Deposits Program ~~established~~ authorized.**

The West Virginia Security for Public Deposits Program is hereby ~~established~~ authorized. The State Treasurer shall announce the commencement of the West Virginia Security for Public Deposits Program, at which time the requirements of this article become effective, by publishing a notice in the State Register at least 30 days prior to commencement of the program. The Treasurer shall implement and administer the West Virginia Security for Public Deposits Program under the terms and conditions required by this article. ~~The Public Deposits Program shall be operable on or before March 1, 2024.~~

### **§12-1B-7. Powers and duties of the State Treasurer; rules; charges; contracts.**

In order to implement and administer the Public Deposits Program, the State Treasurer ~~shall~~ may:

(1) Propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code and may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this

code as are necessary to effectuate the provisions of this article, including, but not limited to, the following:

(A) The terms and conditions under which public deposits must be secured;

(B) The method for determining the pooled collateral requirements based on balance the of public funds held in the designated state depository in excess of funds insured by an agency of the federal government and the evaluation of the overall financial condition of the designated state depository;

(C) The collateral requirements and collateral pledging level for each designated state depository as determined to be prudent under the circumstances and based on nationally recognized financial rating services information and established financial performance guidelines;

(D) The securities or instruments that constitute eligible collateral under this article and the percentage of face value or market value of such securities or instruments that can be used to secure public deposits;

(E) Reporting requirements for designated state depositories;

(F) The process for a designated state depository to withdraw from the pooled method of securing public deposits and instead be governed by the procedures for securing such deposits by the dedicated method or other approved method permitted in this code, consistent with the primary purpose of protecting public deposits;

(G) The process for determining when a default or insolvency has occurred, or is likely to occur, and the actions necessary for the protection, collection, compromise, or settlement of any claim arising in case of default or insolvency;

(H) Requirements for the payment of losses by pooled or dedicated methods; and

(I) Any and all guidelines necessary and proper for the full and complete administration of this article;

(2) Charge and collect any necessary administrative fees, fines, penalties, and service charges in connection with the Public Deposits Program or any agreement, contract, or transaction pursuant to this article;

(3) Execute contracts, agreements, or other instruments for goods and services necessary to effectuate this article, including agreements with designated state depositories or any other entity. Selection of these services is not subject to §5A-3-1 *et seq.* of this code; and

(4) Perform all other lawful actions necessary to effectuate the provisions of this article, subject to applicable state and federal law.

Senators Trump and Nelson, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump and Nelson would be as a member of a class of persons and that they would be required to vote.

The question being on the adoption of Senator Azinger's amendment to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 4801), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 596**, Relating to administration of WV Water Pollution Control Act and Underground Carbon Dioxide Sequestration and Storage.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Takubo.

The Senate then proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:



West Virginia House of Delegates  
OFFICE OF THE CLERK  
BUILDING 1, SUITE 212  
1900 KANAWHA BLVD., EAST  
CHARLESTON 25305

STEPHEN J. HARRISON  
CLERK OF THE HOUSE

(304) 340-3200  
STEVE.HARRISON@WVHOUSE.GOV

February 2, 2024

The Honorable Jim Justice, II  
Governor, State of West Virginia  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, have been examined and found truly enrolled:

H. B. 4252, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act;

And,

H. B. 5332, Excepting persons previously commissioned as a notary public from requirement to have a high school diploma or its equivalent in order to be recommissioned as a notary public.

These bills are presented to you on this day, February 2, 2024.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Steve Harrison".

Stephen J. Harrison  
Clerk of the House of Delegates

C: The Honorable Lee Cassis  
Clerk of the Senate

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bill on February 5, 2024:

**Senate Bill 568:** Senators Martin and Stover.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 5, 2024:

**Senate Bill 515:** Senator Stuart;

**Senate Bill 517:** Senator Stuart;

**Senate Bill 582:** Senator Hamilton;

**Senate Bill 613:** Senator Oliverio;

**Senate Bill 614:** Senator Deeds;

**Senate Bill 631:** Senator Martin;

**Senate Bill 633:** Senator Chapman;

**Senate Bill 637:** Senators Rucker, Chapman, and Oliverio;

**Senate Bill 659:** Senator Chapman;

**Senate Concurrent Resolution 24:** Senators Azinger, Barrett, Blair (Mr. President), Boley, Caputo, Chapman, Clements, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, and Woodrum;

**Senate Concurrent Resolution 27:** Senators Roberts and Smith;

**Senate Resolution 25:** Senator Rucker;

**Senate Resolution 26:** Senators Hamilton, Taylor, and Phillips;

And,

**Senate Resolution 28:** Senators Rucker, Hamilton, Smith, Phillips, Deeds, and Chapman.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:09 p.m., the Senate adjourned until tomorrow, Wednesday, February 7, 2024, at 11 a.m.

---

## WEDNESDAY, FEBRUARY 7, 2024

The Senate met at 11:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Pastor Josh Rhodes, Community Life Pastor, Chestnut Ridge Church, Morgantown, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jay Taylor, a senator from the fourteenth district.

Pending the reading of the Journal of Tuesday, February 6, 2024,

At the request of Senator Stuart, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

Senator Nelson called attention to today being the birthday of the senator from Harrison and on behalf of the Senate extended felicitations and good wishes to Senator Queen.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 300**, Relating to organization of Office of Inspector General.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 8, by inserting the following:

**"CHAPTER 5F. REORGANIZATION OF THE  
EXECUTIVE BRANCH  
OF STATE GOVERNMENT.**

**ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.**

**§5F-2-1a. Termination of the department of health and human resources; transfer and incorporation of agencies and boards legislative intent; creation of new departments.**

(a) It is the intent of the Legislature to devolve the functions of the Department of Health and Human Resources into three new and separate departments of the executive branch as provided in this Act over a period of transition that concludes with the termination of the Department of Health and Human Resources. It is the intent of the Legislature that the provisions of this Act be construed to achieve the restructuring and reallocation of the powers, duties and functions of the Department of Health and Human Resources to the three new departments created in this section in an orderly manner designed to maintain the delivery of services that have heretofore been provided by the Department of Health and Human Resources by the new departments during the transition and beyond the termination of the Department of Health and Human Resources without disruption and to streamline and, where possible, to share

administrative and operative expenses where common to each of the new departments. To that end, the Secretary of the Department of Health and Human Resources, the Secretary of the Department of Human Services, the Secretary of the Department of Health and the Secretary of the Department of Health Facilities shall enter into a memorandum of understanding to effect the provisions of this Act that shall, at a minimum, create a Office of Shared Administration mutually administered by the secretaries that shall coordinate efforts with the Department of Administration to maximize efficiencies and function of services in an effort to contain expenses within the Department of Human Services, the Department of Health and the Department of Health Facilities. The Office of Shared Administration shall implement a plan to maximize function and efficiency administrative services for the purpose of streamlining administrative services and reducing expenses within the departments. The Office of Shared Administration shall complete implementation by June 30, 2024, and shall provide quarterly updates to the Legislative Oversight Commission on Health and Human Resources Accountability.

(b) ~~(4)~~ The Department of Human Services created under §5F-1-2 of this code ~~beginning January 1, 2024,~~ is a separate and distinct department of the executive branch. ~~Beginning January 1, 2024,~~ The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are transferred to, incorporated in and administered as a part of the Department of Human Services:

- ~~(A)~~ (1) Bureau for Social Services;
- ~~(B)~~ (2) Bureau for Medical Services;
- ~~(C)~~ (3) Bureau for Child Support Enforcement;
- ~~(D)~~ (4) Bureau for Family Assistance;
- ~~(E)~~ (5) Bureau for Behavioral Health; and

~~(F)~~ (6) Any other agency or entity hereinafter established within the Department of Human Services by an act of the Legislature.

~~(2) Beginning January 1, 2024, when, as used in this code, it appears from the context of the terms "Department of Health and Human Resources" or "department" in lieu thereof that the term refers to the entity exercising the powers or duties of the entities specified in subdivision (1) of this subsection, those terms shall mean the Department of Human Services.~~

(c) (1) The Department of Health created under §5F-1-2 of this code ~~beginning January 1, 2024,~~ is a separate and distinct department of the executive branch. ~~Beginning January 1, 2024,~~ The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are transferred to, incorporated in and administered as a part of the Department of Health:

(A) Bureau for Public Health;

(B) Office of Emergency Medical Services;

(C) Office of the Chief Medical Examiner;

(D) Center for Threat Preparedness;

(E) Health Care Authority; and

~~(F) Office of the Inspector General, which shall include:~~

~~(i) Office of Health Facility Licensure and Certification;~~

~~(ii) Board of Review;~~

~~(iii) Foster Care Ombudsman;~~

~~(iv) Olmstead Office;~~

~~(v) Investigations and Fraud Management;~~

~~(vi) Quality Control;~~

~~(vii) Mental Health Ombudsman;~~

~~(viii) WV Clearance for Access: Registry and Employment Screening; and~~

~~(ix) Human Rights Commission; and~~

(F) Any other agency or entity hereinafter established within the Department of Health by an act of the Legislature.

(2) The Office of the Inspector General is a separate and autonomous agency within the Department of Health as provided in §16B-2-1. The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are transferred to, incorporated in and administered as a part of the Office of the Inspector General. The Office of the Inspector General, shall include:

(A) Office of Health Facility Licensure and Certification;

(B) Board of Review;

(C) Foster Care Ombudsman;

(D) Olmstead Office;

(E) Investigations and Fraud Management;

(F) Quality Control;

(G) Mental Health Ombudsman;

(H) WV Clearance for Access: Registry and Employment Screening; and

(I) Human Rights Commission.

~~Beginning January 1, 2024, when, as used in this code, it appears from the context of the terms "Department of Health and Human Resources" or "department" in lieu thereof that the term refers to the entity exercising the powers or duties of the entities specified in subdivision (1) of this subsection, those terms shall mean the Department of Health.~~

(d) ~~(1)~~ The Department of Health Facilities created under §5F-1-2 of this code ~~beginning January 1, 2024,~~ is a separate and

distinct department of the executive branch. ~~Beginning January 1, 2024,~~ The following state facilities, including all of the allied, advisory, affiliated, or related entities and funds associated with any state facility, are transferred to, incorporated in and administered as a part of the Department of Health Facilities:

- ~~(A)~~ (1) Hopemont Hospital;
- ~~(B)~~ (2) Jackie Withrow Hospital;
- ~~(C)~~ (3) John Manchin, Sr. Health Care Center;
- ~~(D)~~ (4) Lakin Hospital;
- ~~(E)~~ (5) Mildred Mitchell-Bateman Hospital;
- ~~(F)~~ (6) Welch Community Hospital;
- ~~(G)~~ (7) William R. Sharpe Jr. Hospital; and

~~(H)~~ (8) Any other agency or entity hereinafter established within the Department of Health Facilities by an act of the Legislature.

~~(2) Beginning January 1, 2024, when, as used in this code, it appears from the context of the terms "Department of Health and Human Resources" or "department" in lieu thereof that the term refers to the entity exercising the powers or duties of the entities specified in subdivision (1) of this subsection, those terms shall mean the Department of Health Facilities.~~

~~(3) Notwithstanding any other provision of this code to the contrary, before December 1, 2023, the Department of Health and Human Resources shall create and present to the Legislative Oversight Commission on Health and Human Resources Accountability a long term sustainability plan for each state health facility.~~

(e) Any secretary may recommend that a bureau, office, board, commission or other state entity be included or excluded from the organization of the departments created in this section to the Joint

Committee on Government and Finance and the Legislative Commission on Health and Human Resources Accountability.

~~(f) Except for powers, authority, and duties that have been delegated to the secretaries of the departments created under this section and §5F 2-2 of this code, the position of administrator and the powers, authority, and duties of each administrator and agency are not affected by this act.~~

~~(g) Except for powers, authority, and duties that have been delegated to the secretaries of the departments under this section and §5F 2-2 of this code, the existence, powers, authority, and duties of boards, commissions and councils and the membership, terms, and qualifications of members of the boards, commissions and councils are not affected by this act. All boards, commissions and councils that are appellate bodies or are independent decision makers may not have their appellate or independent decision-making status affected by this act.~~

~~(h) Nothing in this section extends the powers of department secretaries to any person other than a department secretary and nothing limits or abridges the statutory powers and duties of statutory commissioners or officers pursuant to this code.~~

(i) (f) All programs, orders, determinations, rules, permits, grants, contracts, certificates, bonds, authorizations and privileges which have been issued, promulgated, made, granted or allowed to become pursuant to authority provided by this code to the Department of Health and Human Resources or the Secretary of that Department that are in effect on the dates of the creation of the new departments as provided in this section shall continue in effect according to their terms until modified, terminated, superseded, set aside or revoked by the department or secretary that assumes authority over the subject matter of the same under the provisions of this Act.";

And,

On page 27, line 10, after the word, "Governor," by inserting the words, "within 90 days of a vacancy,";

And,

On page 28, line 28, by striking the words, "not to exceed \$175,000." and inserting in lieu thereof the words, "as provided in the budget.";

And,

On page 29, line 41, after the word, "Unit" by inserting the words, "within the Office of the Attorney General";

And,

On page 31, line, 114, after the word, "Governor," by inserting the words, "within 90 days of a vacancy,";

And,

On page 31, line, 118, after the word, "Governor," by inserting the words, "within 90 days of a vacancy,";

And,

On page 32, line, 120, by inserting a new subsection (w), to read as follows:

"(w) The Inspector General, the Director of The Office of Health Facility Licensure and Certification and the Director of the Investigations and Fraud Management may not be the same person.";

And,

On page 32, by striking §16B-2-2 in its entirety and inserting in lieu thereof a new §16B-2-2 to read as follows:

**§16B-2-2. Board of Review- judicial review of decisions of contested cases.**

(a) The Board of Review shall provide a fair, impartial, and expeditious grievance and appeal process to applicants or

recipients of assistance as defined in §9-1-2 et seq. of this code and to all parties of contested cases arising under §29A-5-1 et seq.

(b) The Bureau of Medical Services shall provide a fair, impartial, and expeditious grievance and appeal process to providers of Medicaid services.

(c) Any party adversely affected or aggrieved by a final decision or order of the board or the bureau may seek judicial review of that decision by filing an appeal to the Intermediate Court of Appeals as provided in §29A-5-4 et seq. of this code.

(d) The process established by this section is the exclusive remedy for judicial review of final decisions of the Board of Review and the Bureau for Medical Services.;

And,

On page 32, by striking §16B-2-3 in its entirety and inserting in lieu thereof a new §16B-2-3 to read as follows:

**"§16B-2-3. Board of Review; subpoena powers.**

(a) The Inspector General and the Chair of the Board of Review may subpoena witnesses, papers, records, documents and any other information or data it considers necessary for its determination. They shall issue all subpoenas and subpoenas duces tecum in the name of the appropriate entity.

(b) Requests for subpoenas and subpoenas duces tecum shall be in writing and shall contain a statement acknowledging that the requesting party agrees to pay all fees for the attendance and travel of witnesses.

(c) A subpoena or subpoena duces tecum issued at the request of an entity shall be served by the party at least five days before the return date, either by personal service by a person over 18 years of age or by registered or certified mail, return receipt requested. If service is by mail, the five-day notice period shall not begin until the date the person or entity receives the subpoena or subpoena duces tecum.

(d) Fees for the attendance of witnesses are the same as for witnesses before the circuit court of this State and shall be paid by the party requesting the issuance of the subpoena or subpoena duces tecum.

(e) In any case of disobedience or neglect of any subpoena or subpoena duces tecum, or any refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the issuing entity may apply to the Circuit Court of Kanawha County, and the court shall compel obedience through the same manner as a subpoena or subpoena duces tecum is enforced in Kanawha County Circuit Court.";

And,

On page 297, section 6, line 2, by striking, "Department of Human Services" and inserting in lieu thereof, "Department of Health Facilities";

And,

On page 297, section 6, lines 20-21, by striking, "Department of Health and Human Resources" and inserting in lieu thereof, "Department of Health Facilities";

And,

On page 298, by striking the section heading for, §27-9-1, and inserting a new section heading to read as follows: "§27-9-1. License; regulations.";

And,

On page 300, section 3, line 10, by striking the word, "secretary" and inserting the words, "Inspector General";

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 300**—A Bill to repeal §5-11-1, §5-11-2, §5-11-3, §5-11-4, §5-11-5, §5-11-6, §5-11-7, §5-11-8, §5-11-9, §5-11-9a, §5-11-10, §5-11-11, §5-11-12, §5-11-13, §5-11-14, §5-11-15, §5-11-16, §5-11-17, §5-11-18, §5-11-19, and §5-11-20 of the Code of West Virginia, 1931, as amended; to repeal §5-11A-1, §5-11A-2, §5-11A-3, §5-11A-3a, §5-11A-4, §5-11A-5, §5-11A-6, §5-11A-7, §5-11A-8, §5-11A-9, §5-11A-10, §5-11A-11, §5-11A-12, §5-11A-13, §5-11A-14, §5-11A-15, §5-11A-16, §5-11A-17, §5-11A-18, §5-11A-19, and §5-11A-20 of said code; to repeal §5-11B-1, §5-11B-2, §5-11B-3, §5-11B-4, §5-11B-5, §5-11B-6, and §5-11B-7 of said code; to amend and reenact §5F-2-1a of said code; to amend and reenact §9-5-27 of said code; to repeal §16-1-22, §16-1-22a, §16-1-22b, and §16-1-22c of said code; to repeal §16-2E-1, §16-2E-2, §16-2E-3, §16-2E-4, and §16-2E-5 of said code; to repeal §16-2N-1, §16-2N-2, and §16-2N-3 of said code; to repeal §16-5B-1, §16-5B-2, §16-5B-3, §16-5B-4, §16-5B-5, §16-5B-5a, §16-5B-6, §16-5B-7, §16-5B-8, §16-5B-9, §16-5B-10, §16-5B-11, §16-5B-12, §16-5B-13, §16-5B-14, §16-5B-15, §16-5B-16, §16-5B-17, §16-5B-18, §16-5B-19, and §16-5B-20 of said code; to repeal §16-5C-1, §16-5C-2, §16-5C-3, §16-5C-4, §16-5C-5, §16-5C-6, §16-5C-7, §16-5C-8, §16-5C-9, §16-5C-9a, §16-5C-10, §16-5C-11, §16-5C-12, §16-5C-12a, §16-5C-13, §16-5C-14, §16-5C-15, §16-5C-18, §16-5C-19, §16-5C-20, §16-5C-21, and §16-5C-22 of said code; to repeal §16-5D-1, §16-5D-2, §16-5D-3, §16-5D-4, §16-5D-5, §16-5D-6, §16-5D-7, §16-5D-8, §16-5D-9, §16-5D-10, §16-5D-11, §16-5D-12, §16-5D-13, §16-5D-14, §16-5D-15, and §16-5D-18 of said code; to repeal §16-5E-1, §16-5E-1a, §16-5E-2, §16-5E-3, §16-5E-3a, §16-5E-4, §16-5E-5, and §16-5E-6 of said code; to repeal §16-5H-1, §16-5H-2, §16-5H-3, §16-5H-4, §16-5H-5, §16-5H-6, §16-5H-7, §16-5H-8, §16-5H-9, and §16-5H-10 of said code; to repeal §16-5I-1, §16-5I-2, §16-5I-3, §16-5I-4, §16-5I-5, and §16-5I-6 of said code; to repeal §16-5N-1, §16-5N-2, §16-5N-3, §16-5N-4, §16-5N-5, §16-5N-6, §16-5N-7, §16-5N-8, §16-5N-9, §16-5N-10, §16-5N-11, §16-5N-12, §16-5N-13, §16-5N-14, §16-5N-15, and §16-5N-16 of said code; to repeal §16-5O-1, §16-5O-2, §16-5O-3, §16-5O-4, §16-5O-5, §16-5O-6, §16-5O-7, §16-5O-8, §16-5O-9, §16-5O-10, §16-5O-11, and §16-5O-12 of said code; to repeal §16-5R-1, §16-5R-2, §16-5R-3, §16-5R-4, §16-5R-5, §16-5R-6, and §16-5R-7 of said

code; to repeal §16-5W-1, §16-5W-2, §16-5W-3, and §16-5W-4 of said code; to repeal §16-5Y-1, §16-5Y-2, §16-5Y-3, §16-5Y-4, §16-5Y-5, §16-5Y-6, §16-5Y-7, §16-5Y-8, §16-5Y-9, §16-5Y-10, §16-5Y-11, §16-5Y-12, and §16-5Y-13 of said code; to repeal §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10 of said code; to repeal §16-49-1, §16-49-2, §16-49-3, §16-49-4, §16-49-5, §16-49-6, §16-49-7, §16-49-8, and §16-49-9 of said code; to amend said code by adding thereto a new chapter, designated §16B-1-1, §16B-2-1, §16B-2-2, §16B-2-3, §16B-2-4, §16B-3-1, §16B-3-2, §16B-3-3, §16B-3-4, §16B-3-5, §16B-3-5a, §16B-3-6, §16B-3-7, §16B-3-8, §16B-3-9, §16B-3-10, §16B-3-11, §16B-3-12, §16B-3-13, §16B-3-14, §16B-3-15, §16B-3-16, §16B-3-17, §16B-3-18, §16B-3-19, §16B-3-20, §16B-4-1, §16B-4-2, §16B-4-3, §16B-4-4, §16B-4-5, §16B-4-6, §16B-4-7, §16B-4-8, §16B-4-9, §16B-4-9a, §16B-4-10, §16B-4-11, §16B-4-12, §16B-4-12a, §16B-4-13, §16B-4-14, §16B-4-15, §16B-4-18, §16B-4-19, §16B-4-20, §16B-4-21, §16B-4-22, §16B-5-1, §16B-5-2, §16B-5-3, §16B-5-4, §16B-5-5, §16B-5-6, §16B-5-7, §16B-5-8, §16B-5-9, §16B-5-10, §16B-5-11, §16B-5-12, §16B-5-13, §16B-5-14, §16B-5-15, §16B-5-18, §16B-6-1, §16B-6-1a, §16B-6-2, §16B-6-3, §16B-6-3a, §16B-6-4, §16B-6-5, §16B-6-6, §16B-7-1, §16B-7-2, §16B-7-3, §16B-7-4, §16B-7-5, §16B-7-6, §16B-7-7, §16B-7-8, §16B-7-9, §16B-7-10, §16B-8-1, §16B-8-2, §16B-8-3, §16B-8-4, §16B-8-5, §16B-8-6, §16B-9-1, §16B-9-2, §16B-9-3, §16B-9-4, §16B-9-5, §16B-9-6, §16B-9-7, §16B-9-8, §16B-9-9, §16B-9-10, §16B-9-11, §16B-9-12, §16B-9-13, §16B-9-14, §16B-9-15, §16B-9-16, §16B-10-1, §16B-10-2, §16B-10-3, §16B-10-4, §16B-10-5, §16B-10-6, §16B-10-7, §16B-10-8, §16B-10-9, §16B-10-10, §16B-10-11, §16B-10-12, §16B-11-1, §16B-11-2, §16B-11-3, §16B-11-4, §16B-11-5, §16B-11-6, §16B-11-7, §16B-12-1, §16B-12-2, §16B-12-3, §16B-13-1, §16B-13-2, §16B-13-3, §16B-13-4, §16B-13-5, §16B-13-6, §16B-13-7, §16B-13-8, §16B-13-9, §16B-13-10, §16B-13-11, §16B-13-12, §16B-13-13, §16B-14-1, §16B-14-2, §16B-14-3, §16B-14-4, §16B-14-5, §16B-14-6, §16B-14-7, §16B-14-8, §16B-14-9, §16B-14-10, §16B-15-1, §16B-15-2, §16B-15-3, §16B-15-4, §16B-15-5, §16B-15-6, §16B-15-7, §16B-15-8, §16B-15-9, §16B-16-1, §16B-16-2, §16B-16-3, §16B-16-4, §16B-16-5, §16B-16-6, §16B-16-7, §16B-16-8, §16B-16-9, §16B-

16-10, §16B-17-1, §16B-17-2, §16B-17-3, §16B-17-4, §16B-17-5, §16B-17-6, §16B-17-7, §16B-17-8, §16B-17-9, §16B-17-9a, §16B-17-10, §16B-17-11, §16B-17-12, §16B-17-13, §16B-17-14, §16B-17-15, §16B-17-16, §16B-17-17, §16B-17-18, §16B-17-19, §16B-17-20, §16B-18-1, §16B-18-2, §16B-18-3, §16B-18-3a, §16B-18-4, §16B-18-5, §16B-18-6, §16B-18-7, §16B-18-8, §16B-18-9, §16B-18-10, §16B-18-11, §16B-18-12, §16B-18-13, §16B-18-14, §16B-18-15, §16B-18-16, §16B-18-17, §16B-18-18, §16B-18-19, §16B-18-20, §16B-19-1, §16B-19-2, §16B-19-3, §16B-19-4, §16B-19-5, §16B-19-6, §16B-19-7, §16B-20-1, §16B-20-2, §16B-20-3, §16B-20-4, §16B-20-5, §16B-21-1, §16B-21-2, and §16B-21-3; to amend and reenact §25-1B-7 of said code; to amend and reenact §27-1-9 of said code; to amend and reenact §27-1A-6 and §27-1A-7 of said code; to amend and reenact §27-9-1 and §27-9-2 of said code; to amend and reenact §27-17-1 and §27-17-3 of said code; to amend and reenact §49-1-203 of said code; and to repeal §49-9-101, §49-9-102, §49-9-103, §49-9-104, §49-9-105, §49-9-106, §49-9-107, §49-9-108, §49-9-109, and §49-9-110 of said code, all relating to the organization of the Office of the Inspector General; moving related units, programs, and commissions that are affiliated with the Office of the Inspector General into the same chapter; setting forth findings; setting forth duties and powers; providing for rulemaking authority; setting forth qualifications for directors; requiring directors to be appointed by a certain date; and making technical and stylistic changes.

On motion of Senator Takubo, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 300) was reported by the Clerk and adopted:

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 300**—A Bill to repeal §5-11-1, §5-11-2, §5-11-3, §5-11-4, §5-11-5, §5-11-6, §5-11-7, §5-11-8, §5-11-9, §5-11-9a, §5-11-10, §5-11-11, §5-11-12, §5-11-13, §5-11-14, §5-11-15, §5-11-16, §5-11-17, §5-11-18, §5-11-19, and §5-11-20 of the Code of West Virginia, 1931, as amended; to repeal §5-11A-1, §5-11A-2, §5-11A-3, §5-11A-3a, §5-11A-4, §5-11A-5,

§5-11A-6, §5-11A-7, §5-11A-8, §5-11A-9, §5-11A-10, §5-11A-11, §5-11A-12, §5-11A-13, §5-11A-14, §5-11A-15, §5-11A-16, §5-11A-17, §5-11A-18, §5-11A-19, and §5-11A-20 of said code; to repeal §5-11B-1, §5-11B-2, §5-11B-3, §5-11B-4, §5-11B-5, §5-11B-6, and §5-11B-7 of said code; to amend and reenact §5F-2-1a of said code; to amend and reenact §9-5-27 of said code; to repeal §16-1-22, §16-1-22a, §16-1-22b, and §16-1-22c of said code; to repeal §16-2E-1, §16-2E-2, §16-2E-3, §16-2E-4, and §16-2E-5 of said code; to repeal §16-2N-1, §16-2N-2, and §16-2N-3 of said code; to repeal §16-5B-1, §16-5B-2, §16-5B-3, §16-5B-4, §16-5B-5, §16-5B-5a, §16-5B-6, §16-5B-7, §16-5B-8, §16-5B-9, §16-5B-10, §16-5B-11, §16-5B-12, §16-5B-13, §16-5B-14, §16-5B-15, §16-5B-16, §16-5B-17, §16-5B-18, §16-5B-19, and §16-5B-20 of said code; to repeal §16-5C-1, §16-5C-2, §16-5C-3, §16-5C-4, §16-5C-5, §16-5C-6, §16-5C-7, §16-5C-8, §16-5C-9, §16-5C-9a, §16-5C-10, §16-5C-11, §16-5C-12, §16-5C-12a, §16-5C-13, §16-5C-14, §16-5C-15, §16-5C-18, §16-5C-19, §16-5C-20, §16-5C-21, and §16-5C-22 of said code; to repeal §16-5D-1, §16-5D-2, §16-5D-3, §16-5D-4, §16-5D-5, §16-5D-6, §16-5D-7, §16-5D-8, §16-5D-9, §16-5D-10, §16-5D-11, §16-5D-12, §16-5D-13, §16-5D-14, §16-5D-15, and §16-5D-18 of said code; to repeal §16-5E-1, §16-5E-1a, §16-5E-2, §16-5E-3, §16-5E-3a, §16-5E-4, §16-5E-5, and §16-5E-6 of said code; to repeal §16-5H-1, §16-5H-2, §16-5H-3, §16-5H-4, §16-5H-5, §16-5H-6, §16-5H-7, §16-5H-8, §16-5H-9, and §16-5H-10 of said code; to repeal §16-5I-1, §16-5I-2, §16-5I-3, §16-5I-4, §16-5I-5, and §16-5I-6 of said code; to repeal §16-5N-1, §16-5N-2, §16-5N-3, §16-5N-4, §16-5N-5, §16-5N-6, §16-5N-7, §16-5N-8, §16-5N-9, §16-5N-10, §16-5N-11, §16-5N-12, §16-5N-13, §16-5N-14, §16-5N-15, and §16-5N-16 of said code; to repeal §16-5O-1, §16-5O-2, §16-5O-3, §16-5O-4, §16-5O-5, §16-5O-6, §16-5O-7, §16-5O-8, §16-5O-9, §16-5O-10, §16-5O-11, and §16-5O-12 of said code; to repeal §16-5R-1, §16-5R-2, §16-5R-3, §16-5R-4, §16-5R-5, §16-5R-6, and §16-5R-7 of said code; to repeal §16-5W-1, §16-5W-2, §16-5W-3, and §16-5W-4 of said code; to repeal §16-5Y-1, §16-5Y-2, §16-5Y-3, §16-5Y-4, §16-5Y-5, §16-5Y-6, §16-5Y-7, §16-5Y-8, §16-5Y-9, §16-5Y-10, §16-5Y-11, §16-5Y-12, and §16-5Y-13 of said code; to repeal §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10 of

said code; to repeal §16-49-1, §16-49-2, §16-49-3, §16-49-4, §16-49-5, §16-49-6, §16-49-7, §16-49-8, and §16-49-9 of said code; to amend said code by adding thereto a new chapter, designated §16B-1-1, §16B-2-1, §16B-2-2, §16B-2-3, §16B-2-4, §16B-3-1, §16B-3-2, §16B-3-3, §16B-3-4, §16B-3-5, §16B-3-5a, §16B-3-6, §16B-3-7, §16B-3-8, §16B-3-9, §16B-3-10, §16B-3-11, §16B-3-12, §16B-3-13, §16B-3-14, §16B-3-15, §16B-3-16, §16B-3-17, §16B-3-18, §16B-3-19, §16B-3-20, §16B-4-1, §16B-4-2, §16B-4-3, §16B-4-4, §16B-4-5, §16B-4-6, §16B-4-7, §16B-4-8, §16B-4-9, §16B-4-9a, §16B-4-10, §16B-4-11, §16B-4-12, §16B-4-12a, §16B-4-13, §16B-4-14, §16B-4-15, §16B-4-16, §16B-4-17, §16B-4-18, §16B-4-19, §16B-4-20, §16B-5-1, §16B-5-2, §16B-5-3, §16B-5-4, §16B-5-5, §16B-5-6, §16B-5-7, §16B-5-8, §16B-5-9, §16B-5-10, §16B-5-11, §16B-5-12, §16B-5-13, §16B-5-14, §16B-5-15, §16B-5-16, §16B-6-1, §16B-6-1a, §16B-6-2, §16B-6-3, §16B-6-3a, §16B-6-4, §16B-6-5, §16B-6-6, §16B-7-1, §16B-7-2, §16B-7-3, §16B-7-4, §16B-7-5, §16B-7-6, §16B-7-7, §16B-7-8, §16B-7-9, §16B-7-10, §16B-8-1, §16B-8-2, §16B-8-3, §16B-8-4, §16B-8-5, §16B-8-6, §16B-9-1, §16B-9-2, §16B-9-3, §16B-9-4, §16B-9-5, §16B-9-6, §16B-9-7, §16B-9-8, §16B-9-9, §16B-9-10, §16B-9-11, §16B-9-12, §16B-9-13, §16B-9-14, §16B-9-15, §16B-9-16, §16B-10-1, §16B-10-2, §16B-10-3, §16B-10-4, §16B-10-5, §16B-10-6, §16B-10-7, §16B-10-8, §16B-10-9, §16B-10-10, §16B-10-11, §16B-10-12, §16B-11-1, §16B-11-2, §16B-11-3, §16B-11-4, §16B-11-5, §16B-11-6, §16B-11-7, §16B-12-1, §16B-12-2, §16B-12-3, §16B-13-1, §16B-13-2, §16B-13-3, §16B-13-4, §16B-13-5, §16B-13-6, §16B-13-7, §16B-13-8, §16B-13-9, §16B-13-10, §16B-13-11, §16B-13-12, §16B-13-13, §16B-14-1, §16B-14-2, §16B-14-3, §16B-14-4, §16B-14-5, §16B-14-6, §16B-14-7, §16B-14-8, §16B-14-9, §16B-14-10, §16B-15-1, §16B-15-2, §16B-15-3, §16B-15-4, §16B-15-5, §16B-15-6, §16B-15-7, §16B-15-8, §16B-15-9, §16B-16-1, §16B-16-2, §16B-16-3, §16B-16-4, §16B-16-5, §16B-16-6, §16B-16-7, §16B-16-8, §16B-16-9, §16B-16-10, §16B-17-1, §16B-17-2, §16B-17-3, §16B-17-4, §16B-17-5, §16B-17-6, §16B-17-7, §16B-17-8, §16B-17-9, §16B-17-9a, §16B-17-10, §16B-17-11, §16B-17-12, §16B-17-13, §16B-17-14, §16B-17-15, §16B-17-16, §16B-17-17, §16B-17-18, §16B-17-19, §16B-17-20, §16B-18-1, §16B-18-2, §16B-18-3, §16B-18-3a, §16B-18-4, §16B-18-5, §16B-18-6, §16B-18-7, §16B-18-8, §16B-

18-9, §16B-18-10, §16B-18-11, §16B-18-12, §16B-18-13, §16B-18-14, §16B-18-15, §16B-18-16, §16B-18-17, §16B-18-18, §16B-18-19, §16B-18-20, §16B-19-1, §16B-19-2, §16B-19-3, §16B-19-4, §16B-19-5, §16B-19-6, §16B-19-7, §16B-20-1, §16B-20-2, §16B-20-3, §16B-20-4, §16B-20-5, §16B-21-1, §16B-21-2, and §16B-21-3; to amend and reenact §25-1B-7 of said code; to amend and reenact §27-1-9 of said code; to amend and reenact §27-1A-6 and §27-1A-7 of said code; to amend and reenact §27-9-1 and §27-9-2 of said code; to amend and reenact §27-17-1 and §27-17-3 of said code; to amend and reenact §49-1-203 of said code; and to repeal §49-9-101, §49-9-102, §49-9-103, §49-9-104, §49-9-105, §49-9-106, §49-9-107, §49-9-108, §49-9-109, and §49-9-110 of said code, all relating to the organization of the Office of the Inspector General; moving related units, programs, and commissions that are affiliated with the Office of Inspector General into the same chapter; setting for findings; setting forth duties and powers; providing for rulemaking authority; setting forth qualifications for directors; requiring directors to be appointed by a certain date; and making technical and stylistic changes.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 300, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Clements, Plymale, and Stover—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 300) passed with its Senate amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Clements, Plymale, and Stover—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 300) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

**Senate Concurrent Resolution 24**, Recognizing First Responders Honor Board's nominees for Medal of Valor.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4940**—A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated as §37-6-31; and to amend said Code by adding thereto a new article, designated as §55-3C-1, §55-3C-2, and §55-3C-3; all relating to squatting and the remedies therefor; defining a term; clarifying that squatting is a wrongful occupation of property; excluding squatting from the provisions of certain sections of Code; providing that petition and eviction are not appropriate remedies to remove squatters from property; defining terms; noting that squatting is the same as trespass; providing that squatters are not tenants; clarifying that the remedy for squatting is arresting the

trespassing squatter for the crime of trespass; and providing that petition and eviction are not appropriate remedies to remove squatters from property.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5084**—A Bill to amend and reenact §16-9A-2 of the Code of West Virginia, 1931, as amended, all relating to requiring that a valid driver's license, state identification card, or any valid and unexpired federally issued identification card such as a passport or military identification card be presented to verify the minimum age of eighteen for the purchase or acceptance of tobacco related products; relating to increasing penalties for any firm or corporation, or business entity that violates the provisions of this section of the code; and relating to increasing penalties for any person, or employee of any firm or corporation, or business entity that violates the provisions of this section of the code.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5091**—A Bill to amend and reenact §61-10-34 of the Code of West Virginia, 1931, as amended, relating to the "West Virginia Critical Infrastructure Protection Act"; removing the requirement that a critical infrastructure facility be enclosed by a fence or other physical barrier or be clearly marked with a sign or signs; increasing felony penalties and adding second offense penalties for a person who willfully damages, destroys, vandalizes, defaces, or tampers with equipment in a critical infrastructure facility causing damage in excess of \$2,500; providing for forfeiture of items of personal property which are used, have been used, or are intended for use in perpetration of theft

or damage to infrastructure, including all conveyances, including aircraft, vehicles or vessels; and providing that the forfeiture provisions of this bill be governed by the applicable provisions of the West Virginia Contraband Forfeiture Act.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5257**—A Bill to amend and reenact §50-1-8, §50-1-9, and §50-1-9a of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-2A-6 of said code, all relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial support staff.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5348**—A Bill to amend and reenact section two, chapter 136, Acts of the Legislature, regular session, 1982, as last amended and reenacted by section two, chapter 136, Acts of the Legislature, regular session, 1987, relating to renaming the Raleigh County Recreation Authority to the Raleigh County Parks and Recreation Authority.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**Eng. House Joint Resolution 21**—Proposing an amendment to the Constitution of the State of West Virginia amending section 1, Article IV thereof to prohibit persons not United States citizens from voting in any election held within this state; numbering and

designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

The Senate proceeded to the fourth order of business.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

**Senate Bill 306**, Equipment Right to Repair Act.

And reports the same back without recommendation as to passage; but with the recommendation that it first be rereferred to the Committee on Agriculture and Natural Resources.

Respectfully submitted,

Craig Blair,  
*Chair ex officio.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 306) contained in the foregoing report from the Committee on Rules was then rereferred to the Committee on Agriculture and Natural Resources.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 351**, Expanding the definition of "small arms" for purposes of taxation.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 378**, Prohibiting smoking in vehicle when minor 16 or under is present.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 472**, Requiring hotels and public lodging establishments to provide human trafficking awareness training for employees.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 472** (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-6-26, relating to requiring hotels and public lodging establishments to provide human trafficking awareness training to employees; mandating annual training; establishing reporting procedures; requiring local board of health approval of

training program; establishing penalties; providing that no private cause of action is created; and authorizing rulemaking.

And,

**Senate Bill 522**, Changing procedure for citations issued by county litter control officer.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 522** (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-1-3ff of the Code of West Virginia, 1931, as amended, relating to the procedure for evidentiary hearings on citations issued by county commissions to regulate unsafe or unsanitary structures.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

The bills (Com. Sub. for S. B. 472 and 522), under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 514**, Lung Cancer Prevention and Education Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 514** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, §16-67-6, §16-67-7, §16-67-8, §16-67-9, §16-67-10, and §16-67-11, all relating to lung cancer prevention and education; defining terms; establishing a lung cancer and education program within the Bureau for Public Health; allowing for grants to be issued to approved organizations; setting forth grant criteria; setting forth procedure and eligibility for grants; requiring annual reporting; establishing a fund; setting forth financial eligibility; setting forth medical eligibility; setting forth the reimbursement process; setting forth a rate for the screening service; and requiring the Department of Health to administer an education campaign.

And,

**Senate Bill 572**, Creating Forensic Pathology Recruitment Program.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 572** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5EE-1, §16-5EE-2, §16-5EE-3, §16-5EE-4, §16-5EE-5, §16-5EE-6, §16-5EE-7, §16-5EE-8, and §16-5EE-9, all relating to recruitment of forensic pathologists; setting forth purpose; defining terms; setting forth eligibility criteria; setting forth required loan repayment documents and procedure; designating the Department of Health to administer the program; setting forth award requirements and procedure; creating a fund; requiring rulemaking; and setting forth minimum salary.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The bills (Com. Sub. for S. B. 514 and 572), under the original double committee references, were then referred to the Committee on Finance.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 542**, Amending procedure for filling vacancies in county offices having more than three commissioners.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 542** (originating in the Committee on Government Organization)—A Bill to amend and reenact §3-10-7 of the Code of West Virginia, 1931, as amended, relating to amending procedure for filling vacancy in offices of county clerk, county commissioner, or council person for commissions or councils having more than three commissioners or council persons.

And,

**Senate Bill 587**, Enabling State Fire Commission to propose legislative rules.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 587** (originating in the Committee on Government Organization)—A Bill to amend and reenact §15A-11-8 of the Code of West Virginia, 1931, as amended, relating to enabling the State Fire Commission to propose legislative rules and promulgate interpretive and procedural rules for legislative approval.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 590**, Creating Local Government Labor Regulatory Limitation Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 590** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-8-1, §1-8-2, §1-8-3, and §1-8-4, all relating to prohibiting political subdivisions from requiring private employers to pay employees a wage higher than that set by applicable state or federal law, establishing a locally based wage or employee benefit rate, or establishing work hours or scheduling requirements; defining terms; creating exceptions; voiding any prior actions of political subdivisions enacted prior to the effective date of this article; clarifying that the provisions of the article are inapplicable to the employees of a political subdivision; clarifying that nothing in the article prohibits political subdivisions from enforcing agreements voluntarily entered into by the parties prior to the effective date of this article; and clarifying that provisions of the article do not limit the ability of the political subdivisions to comply with statutes and policies related to drug and alcohol testing.

And,

**Senate Bill 616**, Modifying definition of family subject to provisions of domestic violence laws.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 616** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §48-27-204 of the Code of West Virginia, 1931, as amended, relating to the definition of "family or household members" for purposes of prevention and treatment of domestic violence; and adding brother-in-law and sister-in-law to the definition of "family or household members" subject to domestic violence laws.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 614**, Specifying requirements for appropriate elementary behavior intervention and safety.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 614** (originating in the Committee on Education)—A Bill to amend and reenact §18A-5-1 of the Code of West Virginia, 1931, as amended, relating to elementary behavior intervention and safety; clarifying that nothing herein may be construed to conflict with certain federal laws; and specifying requirements applicable to when a grade kindergarten through six teacher in an elementary setting determines that the behavior of a student is violent, threatening, or intimidating toward staff or peers, or creates an unsafe learning environment, or impedes on other students' ability to learn in a safe environment.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Weld:**

**Senate Bill 681**—A Bill to amend and reenact §15-1B-21 of the Code of West Virginia, 1931, as amended, relating to the service obligation for tuition and fees for a doctor of medicine or doctor of osteopathic medicine degree program.

Referred to the Committee on Military.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 682**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Agriculture, fund 8736, fiscal year 2024, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 683**—A Bill to amend and reenact §11-14C-2 of the Code of West Virginia, 1931, as amended, relating to the motor fuel excise tax; and modifying defined terms.

Referred to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 684**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-34, relating to required contract terms for managed care contracts with the Bureau for Medical Services; setting the medical loss ratio for managed care organizations contracting with the Bureau for Medical Services; establishing rebates; setting an effective date; and requiring contract change orders in certain circumstances.

Referred to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 685**—A Bill to amend and reenact §29-12-3 of the Code of West Virginia, 1931, as amended, relating to the creation, composition, qualifications, and compensation of the State Board of Risk and Insurance Management; continuing the board; providing for voting membership of the board; providing qualifications of citizen members; providing procedures for appointment of citizen members; providing initial appointment terms of citizen members; providing terms of subsequent appointment of citizen members; providing procedures for vacancy, expiration of term, and removal of citizen members; providing end date for term of citizen members appointed prior to the effective date of the reenactment of this section; authorizing reappointment of any qualified citizen member appointed prior to the effective date of the reenactment; providing that Insurance Commissioner shall serve as non-voting board secretary; and providing for compensation of board members.

Referred to the Committee on Banking and Insurance.

**By Senator Azinger:**

**Senate Bill 686**—A Bill to amend and reenact §29-12-5 of the Code of West Virginia, 1931, as amended, relating to actions for damages or attorney's fees in cases involving Board of Risk and Insurance Management; clarifying that no action for damages or attorney's fees under *Shamblin v. Nationwide Mut. Ins. Co.*, 183 W. Va. 585 (1990) shall be awardable or cognizable against the board or any person employed by the board or any entity with which the board has contracted to administer the board's programs; and

providing for retrospective application to all pending claims and actions.

Referred to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 687**—A Bill to amend and reenact §4-2-3, §4-2-4, §4-2-6, and §4-2-8 of the Code of West Virginia, 1931, as amended; to repeal §4-2-5 of said code; to amend and reenact §4-3-3c of said code; to amend and reenact §4-10-3, §4-10-6, §4-10-7, §4-10-9, and §4-10-10 of said code; and to repeal §4-10-8 of said code, all relating to the Legislative Auditor; establishing that auditor is responsible to Joint Committee on Government and Finance; clarifying that auditor may exercise powers at direction of Senate President or Speaker of the House of Delegates; restating authority of auditor to inspect properties, equipment, and records; providing for distribution of copies of reports of examination and audit; prohibiting auditor from using external auditing entities to conduct audits except as directed by Senate President or Speaker; modifying obligations of auditor regarding budgetary matters; providing that committee has authority to hire employees to assist auditor in performance of obligations; clarifying hiring authority of committee; providing that auditor's reviews of departments and agencies are to be conducted at direction of Senate President or Speaker and that department presentations are to be made at Senate President's or Speaker's direction; eliminating requirement that agency and regulatory board reviews be conducted according to certain auditing standards; revising schedule of regulatory board reviews; and providing that regulatory board reviews may be conducted more frequently than statutorily scheduled.

Referred to the Committee on Government Organization.

**By Senators Woodrum, Smith, and Swope:**

**Senate Bill 688**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-3-4a, relating to authorizing the Director of the Division of Forestry to contract for the management of state-owned and leased forests and wooded lands for purposes of preventing forest fires; providing for procedures and requirements to enter into land

management contract; establishing competitive bidding process; and authorizing the director to directly award a contract under certain circumstances when necessary for an economic development project.

Referred to the Committee on Economic Development.

**By Senator Woodrum:**

**Senate Bill 689**—A Bill to amend and reenact §17A-3-17 of the Code of West Virginia, 1931, as amended, relating to adding a 50-cent service fee to the registration or renewal of certain classes of automobiles for deposit into the West Virginia Deputy Sheriff's Retirement Fund.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senators Rucker, Barrett, Chapman, Clements, Deeds, Hamilton, Hunt, Karnes, Martin, Queen, Roberts, Smith, Stuart, and Taylor:**

**Senate Bill 690**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-37-1, relating to creating a commission on West Virginia Agritourism; appointment; terms; powers; and duties.

Referred to the Committee on Economic Development.

**By Senator Barrett:**

**Senate Bill 691**—A Bill to amend and reenact §17C-16-4 of the Code of West Virginia, 1931, as amended, relating to revising the statute to make it permissive for commercial motor vehicles registered in this state to pass an annual inspection of all safety equipment to be consistent with the federal motor carrier safety regulations; and defining the term "commercial motor vehicle".

Referred to the Committee on Transportation and Infrastructure.

**By Senator Barrett:**

**Senate Bill 692**—A Bill to amend and reenact §15-2A-21 of the Code of West Virginia, 1931, as amended, relating to using

accrued leave to acquire additional credited service toward retirement; clarifying that a leave day equals eight hours leave; and granting members entering retirement system after July 1, 2015, the option to use leave days to acquire additional service for retirement.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 693**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, and §16-67-5, all relating to a chronic weight management task force; stating purpose of task force; setting forth task force composition; setting forth task force duties; setting forth termination date; setting forth reporting; stating Secretary of Department of Health has discretion to provide administrative support for task force; and requiring specified administrative agencies to cooperate with task force.

Referred to the Committee on Health and Human Resources.

**By Senator Barrett:**

**Senate Bill 694**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31J-1-1, §31J-1-2, §31J-1-3, §31J-2-1, §31J-3-1, and §31J-3-2, all relating to land use associations; providing title; defining terms; establishing construction of chapter; providing statement of purpose; mandating registration of land use associations with Secretary of State; setting fee for registration; and describing content of registration form.

Referred to the Committee on Government Organization.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 695**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Division of Human Services – Energy

Assistance, fund 8755, fiscal year 2024, organization 0511, to the Division of Human Services – Temporary Assistance for Needy Families, fund 8816, fiscal year 2024, organization 0511, and to the Division of Human Services – Child Care and Development, fund 8817, fiscal year 2024, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 696**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Homeland Security, Division of Emergency Management, fund 8727, fiscal year 2024, organization 0606, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 697**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Health and Human Resources, Division of Health – Consolidated Medical Service Fund, fund 8723, fiscal year 2024, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 698**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal

year ending June 30, 2024, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2024, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 699**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Health and Human Resources, Division of Human Services – Child Support Enforcement Fund, fund 5094, fiscal year 2024, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 700**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Miscellaneous Boards and Commissions, Hospital Finance Authority – Hospital Finance Authority Fund, fund 5475, fiscal year 2024, organization 0509, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 701**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Education, School Building Authority – School Construction Fund, fund 3952, fiscal

year 2024, organization 0404, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 702**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund, fund 5163, fiscal year 2024, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 703**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Homeland Security, West Virginia State Police, fund 8741, fiscal year 2024, organization 0612, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 704**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to Miscellaneous Boards and Commissions, Public Service Commission – Motor Carrier Division, fund 8743, fiscal year 2024, organization 0926, and Miscellaneous Boards and Commissions, Public Service Commission – Gas Pipeline Division, fund 8744, fiscal year 2024,

organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 705**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to Miscellaneous Boards and Commissions, Public Service Commission, fund 8623, fiscal year 2024, organization 0926, Miscellaneous Boards and Commissions, Public Service Commission – Gas Pipeline Division – Public Service Commission Pipeline Safety Fund, fund 8624, fiscal year 2024, organization 0926, and Miscellaneous Boards and Commissions, Public Service Commission – Motor Carrier Division, fund 8625, fiscal year 2024, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 706**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Executive, Department of Agriculture – Agriculture Fees Fund, fund 1401, fiscal year 2024, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 707**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year

ending June 30, 2024, to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources, fund 3200, fiscal year 2024, organization 0310, and to the Department of Commerce, Division of Natural Resources – Nongame Fund, fund 3203, fiscal year 2024, organization 0310, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 708**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Executive, Department of Agriculture – West Virginia Spay Neuter Assistance Fund, fund 1481, fiscal year 2024, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 709**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Arts, Culture, and History, National Coal Heritage Area Authority, fund 8869, fiscal year 2024, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 710**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Education, State

Board of Education – Aid for Exceptional Children, fund 8715, fiscal year 2024, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 711**—A Bill to amend and reenact §15-10-5 of the Code of West Virginia, 1931, as amended, relating to adding to the list of federal agencies and agents who, under limited circumstances, may enforce state laws.

Referred to the Committee on the Judiciary.

**By Senators Deeds and Trump:**

**Senate Bill 712**—A Bill to amend and reenact §15-2-7 of the Code of West Virginia, 1931, as amended, relating to revising the statute to reduce the minimum age for a cadet for the West Virginia State Police from the age of 21 to the age of 18.

Referred to the Committee on Government Organization.

**By Senator Deeds:**

**Senate Bill 713**—A Bill to amend and reenact §17A-3-17 of the Code of West Virginia, 1931, as amended, relating to renewal of a vehicle registration and a service fee charge for each year of renewal of a Class A or G vehicle registration issued.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 714**—A Bill to amend and reenact §30-1D-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-3-1, §30-3-2, §30-3-4, §30-3-5, §30-3-6, §30-3-7, §30-3-8, §30-3-9, §30-3-10, §30-3-11, §30-3-11a, §30-3-12, §30-3-13, §30-3-13a, §30-3-15, §30-3-16, §30-3-17, and §30-3-18 of said code; to amend said code by adding thereto three new sections, designated §30-3-10b, §30-3-21, and §30-3-22; to repeal §30-3-7a, §30-3-11b, and §30-3-11c, of said code; to amend said code by

adding thereto a new article, designated §30-3G-1, §30-3G-2, §30-3G-3, §30-3G-4, §30-3G-5, §30-3G-6, §30-3G-7, §30-3G-8, §30-3G-9, §30-3G-10, §30-3G-11, and §30-3G-12; to amend and reenact §30-14-3 of said code; and to amend said code by adding thereto two new sections, designated §30-14-18 and §30-14-19, all relating to the licensing of physicians and the transition of the duties and functions of the West Virginia Board of Osteopathic Medicine to the West Virginia Board of Medicine effective January 1, 2025; and expanding board authority to regulate genetic counselors.

Referred to the Committee on Health and Human Resources.

**By Senator Takubo:**

**Senate Bill 715**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to the Stop the Bleed Act; defining terms; establishing requirements for implementation of the act; and addressing funding.

Referred to the Committee on Education.

**By Senator Trump:**

**Senate Bill 716**—A Bill to amend and reenact §48-13-302 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-17-102 of said code; and to amend and reenact §49-4-801 of said code, all relating to child support generally; reconfiguring the West Virginia Child Support Enforcement Commission; authorizing temporary stay of child support obligation under certain circumstances; clarifying circuit judge's authority to limit child support obligation under certain limited circumstances; and establishing a protocol to assist circuit courts in determining the appropriate child support obligation in child abuse and neglect matters.

Referred to the Committee on the Judiciary.

Senator Smith offered the following resolution:

**Senate Resolution 29**—Designating February 8, 2024, as Tucker County Day at the Legislature.

Which, under the rules, lies over one day.

Senator Takubo offered the following resolution:

**Senate Resolution 30**—Designating February 8, 2024, as West Virginia Hospital Day at the Legislature.

Which, under the rules, lies over one day.

Senator Takubo offered the following resolution:

**Senate Resolution 31**—Designating February 8, 2024, as West Virginia American Academy of Pediatrics Child Health Advocacy Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Com. Sub. for Senate Bill 325**, Relating to distribution of drugs to safety net providers and contract pharmacies.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 325 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Clements, Plymale, and Stover—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 325) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 507**, Relating to repeal of WV EDGE.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Clements, Plymale, and Stover—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 507) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 529**, Including Salem University in PROMISE Scholarship program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Clements, Plymale, and Stover—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 529) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 540**, Updating WV coordinate systems.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Clements, Plymale, and Stover—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 540) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 547**, Authorizing legislative rules for Higher Education Policy Commission.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Clements, Plymale, and Stover—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 547) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Clements, Plymale, and Stover—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 547) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 557**, Relating to compensation for firefighters required to work holidays.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Clements, Plymale, and Stover—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 557) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for House Bill 4801**, Relating generally to the banking authority of the State Treasurer's Office.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senators Trump and Nelson, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump and Nelson would be as a member of a class of persons and that they would be required to vote.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Clements, Plymale, and Stover—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4801) passed.

On motion of Senator Azinger, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 4801**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-1b; to amend and reenact §12-1-5 of said code; and to amend and reenact §12-1B-5 and §12-1B-7 of said code, all relating generally to the banking and contractual authority of the State Treasurer's Office; setting forth prohibited terms and conditions in State Treasurer contracts consistent with general restrictions on other state contracts; authorizing rulemaking by the State Treasurer; and requiring advance announcement by the State Treasurer of the West Virginia Security for Public Deposits Program commencement date by publication in the State Register.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Senate Bill 546**, Updating STEM scholarship program.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Com. Sub. for Senate Bill 596**, Relating to administration of WV Water Pollution Control Act and Underground Carbon Dioxide Sequestration and Storage.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the tenth order of business.

**Com. Sub. for Com. Sub. for Senate Bill 441**, Restricting driving in left lane of multi-lane highways in WV.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 548**, Clarifying appellate jurisdiction of Intermediate Court of Appeals.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Senate Bill 595**, Amending embalmer licensing requirements.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Senate Bill 600**, Revising criteria for receiving reenlistment or retention bonus.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Eng. Com. Sub. for House Bill 5045**, Related to the administration of the West Virginia Water Pollution Control Act, and Underground Carbon Dioxide Sequestration and Storage.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 6, 2024:

**Senate Bill 582:** Senator Hamilton.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on February 6, 2024:

**Senate Bill 351:** Senator Phillips;

**Senate Bill 378:** Senator Hamilton;

**Senate Bill 514:** Senators Deeds, Maroney, and Hamilton;

**Senate Bill 515:** Senator Deeds;

**Senate Bill 556:** Senator Maroney;

**Com. Sub. for Senate Bill 563:** Senator Maroney;

**Senate Bill 572:** Senator Hamilton;

**Senate Bill 591:** Senator Maroney;

**Senate Bill 597:** Senator Maroney;

**Senate Bill 599:** Senator Maroney;

**Senate Bill 610:** Senator Barrett;

**Senate Bill 614:** Senator Maynard;

**Senate Bill 616:** Senator Deeds;

**Senate Bill 649:** Senator Chapman;

**Senate Bill 667:** Senators Trump and Woelfel;

**Senate Bill 669:** Senator Plymale;

**Senate Bill 672:** Senators Phillips and Chapman;

**Senate Bill 676:** Senator Rucker;

**Senate Bill 677:** Senators Caputo and Woelfel;

**Senate Bill 679:** Senator Taylor;

**Senate Bill 680:** Senators Deeds, Plymale, and Woelfel;

And,

**Senate Concurrent Resolution 27:** Senator Stuart.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 11:44 a.m., the Senate adjourned until tomorrow, Thursday, February 8, 2024, at 11 a.m.

---

## THURSDAY, FEBRUARY 8, 2024

The Senate met at 11 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Pastor Mike Harper, North Hills Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Amy N. Grady, a senator from the fourth district.

Pending the reading of the Journal of Wednesday, February 7, 2024,

At the request of Senator Taylor, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4863**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to the creation of the Patriotic Access to Students in Schools Act; defining patriotic societies; and providing for the opportunity to speak and recruit at public schools.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5018**—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-5-21, relating to providing for regulatory oversight and authority governing community air monitoring programs to ensure proper standards for data collection and evaluation through use of accurate scientific methods are used; providing definitions, including defining community air monitoring programs with exceptions; providing for circumstances when the Department of Environmental Protection may use the collected data and for what purposes; limiting the use of said data by the department and other persons; providing that the data may not be used directly for regulating pollutants under the clean air act; providing that the data may not be used to issue a fine, penalty, or notice of violation against the operator of a stationary source; providing that the data may not be used as evidence in an administrative, regulatory, judicial enforcement action, or third-party lawsuit or proceeding against the operator of a stationary source; and providing for rulemaking authority.

Referred to the Committee on Energy, Industry, and Mining.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5056**—A Bill to amend and reenact §18A-4-8h of the Code of West Virginia, 1931, as amended, relating to allowing for service personnel to serve as substitute workers under certain conditions.

Referred to the Committee on Education; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5122**—A Bill to amend and reenact §7-14-8 and §8-14-12 of the Code of West Virginia, 1931, as amended, relating to civil service for deputy sheriffs; renumbering certain sections; removing age restrictions for original appointments as a deputy sheriff; clarifying the requirements for return to work of a deputy sheriff; and removing the age restrictions for original appointment as a municipal police officer.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5153**—A Bill to amend and reenact §18C-6-1, §18C-6-2, §18C-6-3, §18C-6-4, §18C-6-5, and §18C-6-6 of the Code of West Virginia, 1931, as amended, all relating to the engineering, science, and technology scholarship.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5158**—A Bill to amend and reenact §18-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-10N-2 of said code; to amend and reenact §18-20-1 and §18-20-1a of said code; to repeal §18-20-1b of said code; to amend and reenact §18-20-1c, §18-20-1d, §18-20-2, §18-20-3, §18-20-4, §18-20-5, §18-20-6, §18-20-7, §18-20-8, §18-20-9, §18-20-10, and §18-20-11; and to amend and reenact §18A-5-1 of said code; all relating to updating statutory provisions regarding the special education code; defining local educational agency; clarifying that districts and county boards subsumed under the local educational agency; updating definitions; updating terminology used in education of exceptional children; clarifying local educational agencies special educational programs include services outside the school environment; requiring state board's rules assuring exceptional students receive an education in accordance with state and federal laws include students in foster care and correctional facilities; clarifying services required by local educational agency that must be provided until age of majority; requiring preschool programs, special education and related services for students with disabilities or developmental delays begin services by student's 3rd birthday; clarifying preschool programs for students with disabilities or developmental delays are available to such students in mental health facilities, residential institutions, and private entities who have entered into an agreement with a local educational agency; repealing outdated code section; clarifying provisions regarding assistance, training and information to be provided to integrated classroom teachers; updating terminology for individualized education programs; clarifying minimum training for autism mentor and allowing for partial or full reimbursement of tuition for training as autism mentor; updating terminology regarding reports; requiring local educational agencies to maintain a continuum of services, including integrated classrooms and out of school environments; requiring training to integrated education and submission of annual reports; updating terminology regarding examination and reports by medical or other specialists; updating language regarding powers and duties of superintendent; updating language regarding

advisory council for the education of exceptional children; updating requirements of exceptional children monitoring and accountability review teams; updating terminology regarding interagency plan for exceptional children and advisory council; updating terminology regarding gifted education caseload review; updating language regarding video cameras in self-contained classrooms; and adding language specifically prohibition against denying a student with disability from protections of federal laws.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5200**—A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, relating generally to required training for school counselors; requiring that school counselors serving students in grades PK through 12 participate in School Counselors Conference at least once every two years; setting forth required components of School Counselors Conference; requiring Conference participants receive certain credentials, graduate credit and continuing education credit; and requiring that school counselors serving students in grades 7 through 12 participate in training regarding building and trades and apprenticeship programs and setting forth the administration therefore.

Referred to the Committee on Education; and then to the Committee on Finance.

### **Executive Communications**

The Clerk presented the following communications from His Excellency, the Governor, regarding bills approved by him:



*Jim Justice*  
*Governor of West Virginia*

February 7, 2024

The Honorable Lee Cassis, Clerk  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Senate Bill No. Four Hundred Sixty-Two (462), which was presented to me on February 1, 2024.

Senate Bill No. Four Hundred Eighty-Three (483), which was presented to me on February 1, 2024.

You will note that I have approved these bills on February 7, 2024.

Sincerely,

A handwritten signature in blue ink, reading "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



*Jim Justice*  
*Governor of West Virginia*

January 26, 2024

The Honorable Stephen J. Harrison, Clerk  
West Virginia House of Delegates  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

House Bill No. Four Thousand Two Hundred Fifty-Two (4252), which was presented to me on February 2, 2024.

House Bill No. Five Thousand Three Hundred Thirty-Two (5332), which was presented to me on February 2, 2024.

You will note that I have approved these bills on February 7, 2024.

Sincerely,

A handwritten signature of Jim Justice in dark ink, written over a circular embossed seal of the Governor of West Virginia.

Jim Justice  
Governor

JJ/mc

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 544**, Raising threshold for bid requirement of municipal public works projects.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 544** (originating in the Committee on Economic Development)—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-16-1 and §8-16-5 of said code; all relating to raising the threshold from \$25,000 to \$50,000 for requirement of bids for government construction projects; clarifying definition of "Municipal public works" or "works"; and raising the threshold from \$25,000 to \$50,000 for requirement of bids for municipal public works projects.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Glenn D. Jeffries,  
*Chair.*

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 564**, Modifying tax credits for certain apprenticeship training.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Glenn D. Jeffries,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 577**, Limiting landowner liability when land is used for recreational purposes.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 577** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §19-25-3, §19-25-4, §19-25-5, and §19-25-6 of the Code of West Virginia, 1931, as amended, all relating generally to limiting landowner liability for injuries to, or caused by, persons entering or going upon land for noncommercial recreational purposes, wildlife propagation purposes, military training purposes, law-enforcement training purposes, or homeland defense training purposes; clarifying statutory language in light of *Mallet v. Pickens*, 206 W.Va. 145, 522 S.E.2d 436 (1999); defining terms, and making numerous technical corrections.

And,

**Senate Bill 578**, Clarifying definition of burglary offense.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 578** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating to clarifying that the offense of burglary involves a dwelling or outbuilding belonging to another; clarifying what constitutes a dwelling of another; and establishing criminal penalties.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Senate Bill 605**, Requiring electronic funds transfer of retirement contributions by participating employers.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric Nelson, Jr.,  
*Chair.*

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Senate Bill 606**, Relating to Natural Resources Police Officers Retirement System.

**Senate Bill 607**, Clarifying Municipal Police Officers and Firefighters Retirement System surviving spouse benefits.

And,

**Senate Bill 609**, Deputy Sheriff Retirement System Act.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Eric Nelson, Jr.,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee references of the bills contained in the foregoing report from the Committee on Pensions.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Senate Bill 608**, Emergency Medical Services Retirement System Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 608** (originating in the Committee on Pensions)—A Bill to amend and reenact §16-5V-18, §16-5V-23, §16-5V-24, and §16-5V-35 of the Code of West Virginia, 1931, as amended, all relating to the Emergency Medical Services Retirement System; clarifying payment upon death of member with less than 10 years of contributory service; clarifying surviving spouse benefits when member dies from duty or non-duty related cause; and clarifying age calculation for a member who elected early retirement who then returned to work.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Eric Nelson, Jr.,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Pensions.

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

**Senate Bill 617**, Exempting certain meat processes from consumers sales and service tax.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 617** (originating in the Committee on Agriculture and Natural Resources)—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting the processing of beef, pork, lamb, or goat by a slaughterhouse for an individual owner of the product processed from the consumer sales and service tax.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Bill Hamilton,  
*Chair.*

The bill (Com. Sub. for S. B. 617), under the original double committee reference, was then referred to the Committee on Finance.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 658**, Supplementing and amending appropriations to Department of Administration, Public Defender Services.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 669**, Relating to county economic opportunity development districts.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 669** (originating in the Committee on Economic Development)—A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to county economic opportunity development districts; extending when the Fort Henry Economic Opportunity Development District may be abolished or terminated; increasing the land area within the Ridges Economic Opportunity Development District subject to the special district excise tax authorizing the Mason County Commission to levy a special district excise tax; authorizing the special district excise tax for the benefit of the Town of Henderson Economic Opportunity District; setting forth the land area within the special district subject to the special district excise tax; authorizing the commission to create the district and levy the

special district excise tax without the approval of the executive director of the development office; authorizing the commission to determine the base district tax, the base tax revenue amount, the gross annual district tax revenue amount, and the estimated net annual district tax revenue amount; and requiring the Tax Commissioner to provide the commission with certification of the base tax revenue amount.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Glenn D. Jeffries,  
*Chair.*

The bill (Com. Sub. for S. B. 669), under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Takubo:**

**Senate Bill 717**—A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-4, §16-9A-7, and §16-9A-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-9A-2a, all relating to tobacco products; amending purpose; defining terms; prohibiting sale or gift of tobacco to persons younger than 21 years of age; setting forth fines and criminal penalties; permitting persons younger than 21 years of age to be used in inspections of tobacco retailers; making technical changes consistent with newly defined terms; removing the West Virginia Alcohol Beverage Control Administration as an agency with authority to conduct inspections; designating the Bureau for Behavioral Health as one of the

agencies to conduct inspections; removing the requirement for the West Virginia Alcohol Beverage Control Administration to submit a report; requiring the Commissioner of the Bureau for Behavioral Health to submit a report; and amending language regarding vending machines to conform to the increased age requirement.

Referred to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 718**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-131, relating to ensuring equal financial support by the state for kinship parents and fictive kin as provided to certified foster parents.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senators Chapman, Azinger, Hunt, Karnes, Martin, Maynard, Roberts, Rucker, Smith, and Taylor:**

**Senate Bill 719**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5EE-1, relating to clarifying parent and legal guardian access to a minor child's medical records.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 720**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-3D-1, §61-3D-2, §61-3D-3, §61-3D-4, §61-3D-5, and §61-3D-6, all relating to creating the Stop Non-Consensual Distribution of Intimate Deep Fake Media Act; providing for definitions; explaining manner of violation; providing for construction, safe harbor, and severability; providing for a penalty; and allowing injunctive relief.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 721**—A Bill to amend and reenact §49-4-604 of the Code of West Virginia, 1931, as amended, relating to final hearings on disposition of neglected and abused children; requiring that final orders be prepared and signed within 10 days of the disposition hearing.

Referred to the Committee on the Judiciary.

**By Senator Barrett:**

**Senate Bill 722**—A Bill to amend and reenact §29-22B-1406 of the Code of West Virginia, 1931, as amended, relating to revising how a permittee is subject to examination of financial records relating to limited video lottery.

Referred to the Committee on Government Organization.

**By Senator Rucker:**

**Senate Bill 723**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1B-14, relating to creating the Unmatched Medical Graduate Advisory Council; establishing findings and purpose; establishing membership of advisory council; setting forth subjects to be addressed by advisory council in reporting; providing for selection of chair and vice chair; establishing quorum; providing that administrative support be provided by the Higher Education Policy Commission; and requiring reporting of findings and recommendations by December 31, 2024.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Clements:**

**Senate Bill 724**—A Bill to amend and reenact §15A-4-15 of the Code of West Virginia, 1931, as amended, relating to allowing license plates, road signs, or markers to be obtained from alternative sources when the Division of Corrections and Rehabilitation is unable to produce an adequate supply.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Barrett:**

**Senate Bill 725**—A Bill to amend and reenact §62-1C-1a and §62-1C-2 of the Code of West Virginia, 1931, as amended, all relating to pretrial release; clarifying right to pretrial release; clarifying maximum bail amount for charges for multiple misdemeanor offenses; revising definition of "bail"; establishing that defendant has right to select method of securing bail; clarifying that personal recognizance bonds shall include an unsecured monetary amount; prohibiting magistrate from setting "cash only" or "property only" bail; authorizing judicial officer to impose reasonably necessary conditions to assure defendant will appear as required, including releasing defendant on his or her own recognizance; clarifying that magistrate may not release defendant charged with felony offense on his or her own recognizance; and making technical corrections.

Referred to the Committee on the Judiciary.

**By Senator Swope:**

**Senate Bill 726**—A Bill to amend and reenact §5A-6-1, §5A-6-3, and §5A-6-4 of the Code of West Virginia, 1931, as amended; and to repeal §5A-7-1, §5A-7-2, §5A-7-3, §5A-7-4, §5A-7-4a, §5A-7-5, §5A-7-6, §5A-7-7, §5A-7-8, §5A-7-9, §5A-7-10, and §5A-7-11 of said code, all relating to combining the Information Services and Communications Division with the West Virginia Office of Technology; transferring funds from the Information Systems and Communications Division to the Office of Technology; closing funds and transferring unexpended balances; authorizing the Chief Information Officer to conduct requisition reviews; authorizing the Chief Information Officer to collect a fee for services provided to other public bodies; authorizing the Chief Information Officer to provide guidance and technology to support electronic data retention; and requiring the Chief Information Officer to provide mail service for state spending units.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

Senator Takubo offered the following resolution:

**Senate Resolution 32**—Designating February 9, 2024, as Eating Disorder Advocacy Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 29**, Designating February 8, 2024, as Tucker County Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Smith, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

At the request of Senator Tarr, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the seventh order of business.

**Senate Resolution 30**, Designating February 8, 2024, as WV Hospital Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

**Senate Resolution 31**, Designating February 8, 2024, as WV American Academy of Pediatrics Child Health Advocacy Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Com. Sub. for Senate Bill 441**, Restricting driving in left lane of multi-lane highways in WV.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Senate Bill 546**, Updating STEM scholarship program.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Com. Sub. for Senate Bill 548**, Clarifying appellate jurisdiction of Intermediate Court of Appeals.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 595**, Amending embalmer licensing requirements.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 596**, Relating to administration of WV Water Pollution Control Act and Underground Carbon Dioxide Sequestration and Storage.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Senate Bill 600**, Revising criteria for receiving reenlistment or retention bonus.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Eng. Com. Sub. for House Bill 5045**, Related to the administration of the West Virginia Water Pollution Control Act, and Underground Carbon Dioxide Sequestration and Storage.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Smith, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **ARTICLE 11. WATER POLLUTION CONTROL ACT.**

### **§22-11-4. General powers and duties of director with respect to pollution.**

(a) In addition to all other powers and duties the director has and may exercise, subject to specific grants of authority to the chief or the board in this article or elsewhere in this code, the director has the following powers and authority and shall perform the following duties:

(1) To perform any and all acts necessary to carry out the purposes and requirements of this article and of the "Federal Water Pollution Control Act," 33 U.S.C. §1251 *et seq.*, as amended, relating to this state's participation in the "National Pollutant Discharge Elimination System," 33 U.S.C. §1342, established under that act;

(2) To encourage voluntary cooperation by all persons in the conservation, improvement, and development of water resources and in controlling and reducing the pollution of the waters of this state, and to advise, consult, and cooperate with all persons, all

agencies of this state, the federal government, or other states, and with interstate agencies in the furtherance of the purposes of this article, and to this end and for the purpose of studies, scientific or other investigations, research, experiments, and demonstrations pertaining thereto, the division may receive moneys from such agencies, officers, and persons on behalf of the state. The division shall pay all moneys so received into a special fund hereby created in the state Treasury, which fund shall be expended under the direction of the director solely for the purpose or purposes for which the grant, gift, or contribution was made;

(3) To encourage the formulation and execution of plans by cooperative groups or associations of municipal corporations, industries, industrial users, and other users of waters of the state, who, jointly or severally, are or may be the source of pollution of such waters, for the control and reduction of pollution;

(4) To encourage, participate in, or conduct, or cause to be conducted studies, scientific or other investigations, research, experiments, and demonstrations relating to the water resources of the state and water pollution and its causes, control and reduction, and to collect data with respect thereto, all as may be deemed advisable and necessary to carry out the purposes of this article;

(5) To study and investigate all problems concerning water flow, water pollution, and the control and reduction of pollution of the waters of the state, and to make reports and recommendations with respect thereto;

(6) To collect and disseminate information relating to water pollution and the control and reduction thereof;

(7) To develop a public education and promotion program to aid and assist in publicizing the need for, and securing support for, pollution control and abatement;

(8) To sample ground and surface water with sufficient frequency to ascertain the standards of purity or quality from time to time of the waters of the state;

(9) To develop programs for the control and reduction of the pollution of the waters of the state;

(10) To exercise general supervision over the administration and enforcement of the provisions of this article, and all rules, permits and orders issued pursuant to the provisions of this article, §22-11-1 *et seq.*, §22-11A-1 *et seq.*, §22-11B-1 *et seq.* of this code and §22B-1-1 *et seq.* of this code;

(11) In cooperation with the college of engineering at West Virginia University and the schools and departments of engineering at other institutions of higher education operated by this state, to conduct studies, scientific or other investigations, research, experiments, and demonstrations in an effort to discover economical and practical methods for the elimination, disposal, control, and treatment of sewage, industrial wastes, and other wastes, and the control and reduction of water pollution, and to this end, the director may cooperate with any public or private agency and receive therefrom, on behalf of the state, and for deposit in the state Treasury, any moneys which such agency may contribute as its part of the expenses thereof, and all gifts, donations or contributions received as aforesaid shall be expended by the director according to the requirements or directions of the donor or contributor without the necessity of an appropriation therefor, except that an accounting thereof shall be made in the fiscal reports of the division;

(12) To require the prior submission of plans, specifications, and other data relative to, and to inspect the construction and operation of, any activity or activities in connection with the issuance and revocation of such permits as are required by this article, §22-11A-1 *et seq.* and §22-11B-1 *et seq.* of this code or the rules promulgated thereunder;

(13) To require any and all persons directly or indirectly discharging, depositing, or disposing of treated or untreated sewage, industrial wastes or other wastes, or the effluent therefrom, into or near any waters of the state or into any underground strata, and any and all persons operating an establishment which produces or which may produce or from which escapes, releases or emanates

or may escape, release or emanate treated or untreated sewage, industrial wastes or other wastes, or the effluent therefrom, into or near any waters of the state or into any underground strata, to file with the division such information as the director may require in a form or manner prescribed for such purpose, including, but not limited to, data as to the kind, characteristics, amount, and rate of flow of any such discharge, deposit, escape, release, or disposition;

(14) To adopt, modify, or repeal procedural rules and interpretive rules in accordance with the provisions of Chapter 29A of this code administering and implementing the powers, duties and responsibilities vested in the director by the provisions of this article, and §22-11A-1 *et seq.* and §22-11B-1 *et seq.* of this code;

(15) To cooperate with interstate agencies for the purpose of formulating, for submission to the Legislature, interstate compacts and agreements relating to:

(A) The control and reduction of water pollution; and

(B) the state's share of waters in watercourses bordering the state;

(16) To adopt, modify, repeal, and enforce rules, in accordance with the provisions of chapter twenty-nine-a of this code:

(A) Implementing and making effective the declaration of policy contained in section one of this article and the powers, duties and responsibilities vested in the director and the chief by the provisions of this article and otherwise by law;

(B) preventing, controlling and abating pollution; and

(C) facilitating the state's participation in the "National Pollutant Discharge Elimination System" pursuant to the "Federal Water Pollution Control Act," as amended: *Provided*, That no rule adopted by the director shall specify the design of equipment, type of construction or particular method which a person shall use to reduce the discharge of a pollutant; and

(17) To advise all users of water resources as to the availability of water resources and the most practicable method of water diversion, use, development, and conservation.

(b) Whenever required to carry out the objectives of this article, §22-11A-1 *et seq.* or §22-11B-1 *et seq.* of this code, the director shall require the owner or operator of any point source or establishment to:

(i) Establish and maintain such records;

(ii) make such reports;

(iii) install, use, and maintain such monitoring equipment or methods;

(iv) sample such effluents in accordance with such methods, at such locations, at such intervals, and in such manner as the director shall prescribe; and

(v) provide such other information as the director may reasonably require.

(c) The director upon presentation of credentials:

(i) Has a right of entry to, upon, or through any premises in which an effluent source is located or in which any records required to be maintained under subsection (b) of this section are located; and

(ii) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under subsection (b) of this section, and sample any streams in the area as well as sample any effluents which the owner or operator of such source is required to sample under subsection (b) of this section. Nothing in this subsection eliminates any obligation to follow any process that may be required by law.

(d) The director ~~is hereby authorized and empowered to~~ may investigate and ascertain the need and factual basis for the establishment of public service districts as a means of controlling

and reducing pollution from unincorporated communities and areas of the state, investigate and ascertain, with the assistance of the Public Service Commission, the financial feasibility and projected financial capability of the future operation of any such public service district or districts, and to present reports and recommendations thereon to the county commissions of the areas concerned, together with a request that such county commissions create a public service district or districts, as therein shown to be needed and required and as provided in §16-13A-1 *et seq.* of this code. In the event a county commission fails to act to establish a county-wide public service district or districts, the director shall act jointly with the Commissioner of the Bureau of Public Health to further investigate and ascertain the financial feasibility and projected financial capability and, subject to the approval of the Public Service Commission, order the county commission to take action to establish such public service district or districts as may be necessary to control, reduce, or abate the pollution, and when so ordered, the county commission members must act to establish such a county-wide public service district or districts.

(e) The director ~~has the authority to~~ may enter at all reasonable times upon any private or public property for the purpose of making surveys, examinations, investigations, and studies needed in the gathering of facts concerning the water resources of the state and their use, subject to responsibility for any damage to the property entered. Upon entering, and before making any survey, examination, investigation, and study, such person shall immediately present himself or herself to the occupant of the property. Upon entering property used in any manufacturing, mining, or other commercial enterprise, or by any municipality or governmental agency or subdivision, and before making any survey, examination, investigation, and study, such person shall immediately present himself or herself to the person in charge of the operation, and if he or she is not available, to a managerial employee. All persons shall cooperate fully with the person entering such property for such purposes. Upon refusal of the person owning or controlling such property to permit such entrance or the making of such surveys, examinations, investigations, and studies, the director may apply to the circuit court of the county in

which such property is located, or to the judge thereof in vacation, for an order permitting such entrance or the making of such surveys, examinations, investigations, and studies; and jurisdiction is hereby conferred upon such court to enter such order upon a showing that the relief asked is necessary for the proper enforcement of this article: *Provided*, That nothing in this subsection eliminates any obligation to follow any process that may be required by law.

**§22-11-22. Civil penalties and injunctive relief; administrative penalties.**

(a) Any person who violates any provision of any permit issued under or subject to the provisions of this article, §22-11A-1 et seq., or §22-11B-1 et seq. of this code is subject to a civil penalty not to exceed \$25,000 ~~per~~ a day of such violation and any person who violates any provision of this article, §22-11A-1 et seq., or §22-11B-1 et seq. of this code or of any rule or who violates any standard or order promulgated or made and entered under the provisions of this article, §22-11A-1 et seq., §22-11B-1 et seq. of this code or §22B-1-1 et seq. of this code is subject to a civil penalty not to exceed \$25,000 ~~per~~ a day of such violation. Any such civil penalty may be imposed and collected only by a civil action instituted by the director in the circuit court of the county in which the violation occurred or is occurring or of the county in which the waters thereof are polluted as the result of such violation.

Upon application by the director, the circuit courts of the state or the judges thereof in vacation may by injunction compel compliance with and enjoin violations of the provisions of this article, §22-11A-1 et seq., and §22-11B-1 et seq. of this code, the rules of the board or director, effluent limitations, the terms and conditions of any permit granted under the provisions of this article, §22-11A-1 et seq., and §22-11B-1 et seq. of this code or any order of the director or board, and the venue of any such actions shall be the county in which the violations or noncompliance exists or is taking place or in any county in which the waters thereof are polluted as the result of such violation or noncompliance. The court or the judge thereof in vacation may issue a temporary or preliminary injunction in any case pending a decision on the merits

of any injunction application filed. Any other section of this code to the contrary notwithstanding, the state is not required to furnish bond as a prerequisite to obtaining injunctive relief under this article, or §22-11A-1 *et seq.*, and §22-11B-1 *et seq.* of this code. An application for an injunction under the provisions of this section may be filed and injunctive relief granted notwithstanding that all of the administrative remedies provided for in this article have not been pursued or invoked against the person or persons against whom such relief is sought and notwithstanding that the person or persons against whom such relief is sought have not been prosecuted or convicted under the provisions of this article.

The judgment of the circuit court upon any application filed or in any civil action instituted under the provisions of this section is final unless reversed, vacated, or modified on appeal to the Supreme Court of Appeals. Any such appeal shall be sought in the manner provided by law for appeals from circuit courts in other civil cases, except that the petition seeking review in any injunctive proceeding must be filed with said Supreme Court of Appeals within 90 days from the date of entry of the judgment of the circuit court.

Legal counsel and services for the chief, director, or the board in all civil penalty and injunction proceedings in the circuit court and in the Supreme Court of Appeals of this state shall be provided by the Attorney General or his or her assistants and by the prosecuting attorneys of the several counties as well, all without additional compensation, or the chief, director, or the board, with the written approval of the Attorney General, may employ counsel to represent him or her or it in a particular proceeding.

(b) In addition to the powers and authority granted to the director by this chapter to enter into consent agreements, settlements and otherwise enforce this chapter, the director shall propose, for legislative promulgation, rules in accordance with ~~the provisions of~~ §29A-3-1 *et seq.* of this code to establish a mechanism for the administrative resolution of violations set forth in this section through consent order or agreement as an alternative to instituting a civil action.

**§22-11-22a. Civil penalties and injunctive relief; civil administrative penalties for coal mining operations.**

(a) Any person who holds a permit to operate a coal mining operation issued under article three of this chapter who violates any provision of any permit issued under or subject to the provisions of this article, or §22-11A-1 et seq. and §22-11B-1 et seq. of this code is subject to a civil penalty not to exceed \$25,000 ~~per~~ a day of the violation and any person who violates any provision of this article or of any rule or who violates any standard or order promulgated or made and entered under the provisions of this article, §22-11A-1 et seq. of this code or §22-11B-1 et seq. of this code is subject to a civil penalty not to exceed \$25,000 ~~per~~ a day of the violation: *Provided*, That any penalty imposed pursuant to the Surface Coal Mining and Reclamation Act [§22-3-1 et seq.] shall be credited against any enforcement action under this article for violations of standards protecting state waters.

(1) Any such civil penalty may be imposed and collected only by a civil action instituted by the secretary in the circuit court of the county in which the violation occurred or is occurring or of the county in which the waters thereof are polluted as the result of such violation.

(2) In determining the amount of a civil penalty, the circuit court shall consider the seriousness of the violation or violations, the economic benefit, if any, resulting from the violation, any history of the violations, any good-faith efforts to comply with the applicable requirements, cooperation by the permittee with the secretary, the economic impact of the penalty on the violator, and other matters as justice may require.

(3) Upon application by the secretary, the circuit courts of the state or the judges thereof in vacation may by injunction compel compliance with and enjoin violations of the provisions of this article, ~~§22-7A-4~~ §22-11A-1 et seq., and §22-11B-1 et seq. of this code, the rules of the board or secretary, effluent limitations, the terms and conditions of any permit granted under the provisions of this article, §22-11A-1 et seq., and §22-11B-1 et seq. or of this code or any order of the secretary or board, and the venue of any such

actions shall be the county in which the violations or noncompliance exists or is taking place or in any county in which the waters thereof are polluted as the result of the violation or noncompliance. The court or the judge thereof in vacation may issue a temporary or preliminary injunction in any case pending a decision on the merits of any injunction application filed. Any other section of this code to the contrary notwithstanding, the state is not required to furnish bond as a prerequisite to obtaining injunctive relief under this article, or §22-11A-1 *et seq.*, and §22-11B-1 *et seq.* of this code. An application for an injunction under the provisions of this section may be filed and injunctive relief granted notwithstanding that all of the administrative remedies provided in this article have not been pursued or invoked against the person or persons against whom such relief is sought and notwithstanding that the person or persons against whom such relief is sought have not been prosecuted or convicted under the provisions of this article.

(4) The judgment of the circuit court upon any application filed or in any civil action instituted under the provisions of this section is final unless reversed, vacated, or modified on appeal to the Supreme Court of Appeals. Any such appeal shall be sought in the manner provided by law for appeals from circuit courts in other civil cases, except that the petition seeking review in any injunctive proceeding must be filed with said Supreme Court of Appeals within 90 days from the date of entry of the judgment of the circuit court.

(5) Legal counsel and services for the director, secretary, or the board in all civil penalty and injunction proceedings in the circuit court and in the Supreme Court of Appeals of this state shall be provided by legal counsel employed by the department, the Attorney General or his or her assistants and by the prosecuting attorneys of the several counties as well, all without additional compensation, or the director, secretary, or the board may employ counsel to represent him or her or it in a particular proceeding.

(b) The secretary may assess a civil administrative penalty whenever he or she finds that a person who holds a permit to operate a coal mining operation issued under article three of this

chapter has violated any provision of this article, or §22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code, any permit issued under or subject to the provisions of this article, or §22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code or any rule or order issued pursuant to this article, or §22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code. A civil administrative penalty may be assessed unilaterally by the director in accordance with this subsection.

(1) Any civil administrative penalty assessed pursuant to this section shall not exceed \$10,000 per violation and the maximum amount of any civil administrative penalty assessed pursuant to this section ~~shall~~ may not exceed \$125,000: *Provided*, That any stipulated penalties accrued after the date of the draft order ~~shall~~ may not be included for purposes of determining the total amount of the civil administrative penalty. For purposes of this section, a single operational upset which leads to simultaneous violations of more than one pollutant parameter, shall be treated as a single violation.

(2) In determining the amount of any civil administrative penalty assessed under this subsection, the secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations, and, with respect to the violator, ability to pay, any prior history of such violations, the degree of good faith, economic benefit or savings, if any, resulting from the violation, cooperation of the alleged violator, and such other matters as justice may require.

(3) No assessment may be levied pursuant to this subsection until after the alleged violator has been notified by certified mail or personal service pursuant to the West Virginia rules of civil procedure. The notice shall include a proposed order which refers to the provision of the statute, rule, order, or permit alleged to have been violated, a concise statement of the facts alleged to constitute the violation, a statement of the amount of the administrative penalty to be imposed, and a statement of the alleged violator's right to an informal hearing prior to the issuance of the proposed order.

(A) The alleged violator has 30 calendar days from receipt of the notice within which to deliver to the secretary a written request for an informal hearing.

(B) If no hearing is requested, the proposed order becomes a draft order after the expiration of the ~~thirty-~~ 30-day period.

(C) If an informal hearing is requested, the director shall inform the alleged violator of the time and place of the hearing. The secretary may appoint an assessment officer to conduct the informal hearing and make a written recommendation to the secretary concerning the proposed order and the assessment of a civil administrative penalty.

(D) Within 30 days following the informal hearing, the secretary shall render and furnish to the alleged violator a written decision, and the reasons therefor, concerning the assessment of a civil administrative penalty. The proposed order shall be revised, if necessary, and shall become a draft order.

(4) The secretary shall provide the opportunity for the public to comment on any draft order by publishing a Class II legal advertisement in the newspaper with the largest circulation in the county in which the violation occurred, and by other such means as the secretary deems appropriate, which shall provide notice of the draft order, including the civil administrative penalty assessment. The secretary shall consider any comments received in determining whether to revise the draft order before issuance of a final order. During the 30-day public comment period, any person may request a public hearing regarding the draft order and the secretary may grant or deny the request at his or her discretion. If a request for a public hearing is denied, the secretary shall provide notice to the person requesting a hearing and reasons for such denial.

(5) Within 30 days of the close of the public comment period on a draft order, the secretary shall issue a final order or make a determination not to issue a final order, and shall provide written notice by certified mail or personal service pursuant to the West Virginia rules of civil procedure to the alleged violator and shall

provide notice by certified mail or personal service pursuant to the West Virginia rules of civil procedure to those persons who submitted written comments on the draft order during the public comment period.

(6) The issuance of a final order assessing a civil administrative penalty pursuant to subsection (b) of this section may be appealed to the environmental quality board pursuant to §22-11-21 of this code. Any person who submitted written comments on a draft order during the public comment period shall have the right to file such an appeal or intervene in any appeal filed by the alleged violator.

(7) The authority to levy a civil administrative penalty is in addition to all other enforcement provisions of this article and the payment of any assessment does not affect the availability of any other enforcement provision in connection with the violation for which the assessment is levied: *Provided*, That no combination of assessments against a violator under this section shall exceed \$25,000 for each violation: *Provided, however*, That any violation for which the violator has paid a civil administrative penalty assessed under this section may not be the subject of a separate civil penalty action. No assessment levied pursuant to this section becomes due and payable until at least ~~thirty~~ 30 days after receipt of the final order or the procedures for review of the assessment, including any appeals, have been completed, whichever is later.

(c) In addition to the authorities set forth in this section, the secretary may also enter into agreements, settlements, and other consent orders resolving alleged violations of this chapter.

(d) The secretary shall propose, for legislative review, rules, including emergency rules, in accordance with the provisions of §29A-3-1 *et seq.* of this code to establish procedures for assessing civil administrative penalties in accordance with this section by no later than July 1, 2015.

#### **§22-11-24. Violations; criminal penalties.**

(a) Any person who causes pollution or who fails or refuses to discharge any duty imposed upon him or her by this article, by §22-

11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code or by any rule of the board or director, promulgated pursuant to the provisions and intent of this article, or 22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code, or by an order of the director or board, or who fails or refuses to apply for and obtain a permit as required by the provisions of this article, or §22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code, or who fails or refuses to comply with any term or condition of such permit, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$1,000, or by ~~imprisonment in the county~~ confined in jail for a period not exceeding six months, or by both fine and ~~imprisonment~~ confinement.

(b) Any person who intentionally misrepresents any material fact in an application, record, report, plan, or other document filed or required to be maintained under the provisions of this article, §22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code or any rules promulgated by the director thereunder is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1,000 nor more than \$10,000 or by ~~imprisonment~~ confined in jail not exceeding six months, or by both fine and ~~imprisonment~~ confinement.

(c) Any person who willfully or negligently violates any provision of any permit issued under or subject to the provisions of this article, or §22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code or who willfully or negligently violates any provision of this article, or §22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code, any rule of the board or director, any effluent limitation, or any order of the director or board is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation or by ~~imprisonment~~ confinement in jail not exceeding one year or by both fine and ~~imprisonment~~ confinement.

(d) Any person convicted of a second or subsequent willful violation of subsections (b) or (c) of this section or knowingly and willfully violates any provision of any permit, rule, or order issued under or subject to the provisions of this article, or §22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code, or knowingly and willfully

violates any provision of this article, or §22-11A-1 et seq., or §22-11B-1 et seq. of this code, is guilty of a felony and, upon conviction, shall be imprisoned in a state correctional facility not less than one nor more than three years, or fined not more than \$50,000 for each day of violation, or both fined and imprisoned.

(e) Any person may be prosecuted and convicted under the provisions of this section notwithstanding that none of the administrative remedies provided in this article have been pursued or invoked against said person and notwithstanding that civil action for the imposition and collection of a civil penalty or an application for an injunction under the provisions of this article has not been filed against such person.

(f) Where a person holding a permit is carrying out a program of pollution abatement or remedial action in compliance with the conditions and terms of the permit, the person is not subject to criminal prosecution for pollution recognized and authorized by the permit.

#### **§22-11-25. Civil liability; Natural Resources Game Fish and Aquatic Life Fund; use of funds.**

If any loss of game fish or aquatic life results from a person or persons' failure or refusal to discharge any duty imposed upon such person by this article, section seven, article six of this chapter, or §22-11A-1 et seq., or §22-11B-1 et seq. of this code, either the West Virginia Division of Natural Resources or the Division of Environmental Protection, or both jointly may initiate a civil action on behalf of the State of West Virginia to recover from such person or persons causing such loss a sum equal to the cost of replacing such game fish or aquatic life. Any moneys so collected shall be deposited in a special revenue fund entitled "Natural Resources Game Fish and Aquatic Life Fund" and shall be expended as hereinafter provided. The fund shall be expended to stock waters of this state with game fish and aquatic life. Where feasible, the Director of the Division of Natural Resources shall use any sum collected in accordance with the provisions of this section to stock waters in the area in which the loss resulting in the collection of such sum occurred. Any balance of such sum shall remain in said

fund and be expended to stock state-owned and -operated fishing lakes and ponds, wherever located in this state, with game fish and aquatic life.

## **ARTICLE 11B. UNDERGROUND CARBON DIOXIDE SEQUESTRATION AND STORAGE**

### **§22-11B-3. Prohibition of underground carbon dioxide sequestration without a permit; injection of carbon dioxide for the purpose of enhancing the recovery of oil or other minerals not subject to the provisions of this article.**

(a) It is unlawful for any person to commence work on, or to operate, a carbon dioxide sequestration facility or storage site without first securing a Class VI underground injection control permit from the secretary or from the US EPA.

(b) The injection of carbon dioxide for purposes of enhancing the recovery of oil or other minerals pursuant to a project approved by the secretary shall not be subject to the provisions of this article.

(c) If an oil, natural gas, or coalbed methane well operator proposes to convert its operations to carbon dioxide sequestration, then the underground carbon dioxide sequestration facility shall be regulated pursuant to this article and §22-11-1 *et seq.* of this code.

(d) All applications for permits submitted after the effective date of this article shall be governed by the provisions of this article and the provisions of §22-11-1 *et seq.* of this code. Permits issued and applications submitted prior to the effective date of this article shall be governed by the provisions of §22-11-1 *et seq.* and §22-11A-1 *et seq.* of this code. If the holder of a Class VI underground injection control permit or other carbon dioxide sequestration permit, granted prior to the effective date of this article, seeks a modification of that permit after this article becomes effective, then the permit holder shall have the option to proceed either according to the provisions of this article or the provisions of §22-11A-1 *et seq.* of this code.

### **§22-11B-12. Certificate of project completion, release, transfer of title and custody, filing.**

(a) After carbon dioxide injections into a reservoir end, and the storage operator has fulfilled all requirements of its Class VI underground injection control permit including requirements related to post-injection site care and site closure, and upon application by the storage operator demonstrating compliance with this article, the secretary may issue a Certificate of Underground Carbon Dioxide Storage Project Completion ("completion certificate").

(b) The completion certificate may only be issued after public notice and hearing. The secretary shall establish notice requirements for this hearing by legislative rule.

(c) The completion certificate may not be issued until at least 10 50 years after carbon dioxide injections end or other time frame established on a site-specific basis in accordance with the legislative rules regarding the timeframe for post-injection site care and site closure.

(d) The completion certificate may only be issued if the storage operator:

(1) Is in full compliance with all laws and other requirements governing the storage facility, and has fulfilled all requirements including, without limitation, the terms of any underground injection control permit associated with the facility including permit requirements related to post-injection site care and site closure, legislative rules regarding post-injection site care and site closure, and other applicable requirements;

(2) Demonstrates that it has addressed all pending claims regarding the storage facility's operation; and

(3) Demonstrates that the storage reservoir is reasonably expected to retain the carbon dioxide stored in it.

(e) As of the effective date of a completion certificate:

(1) Ownership of the stored carbon dioxide transfers, without payment of any compensation, to the owners of the pore space as established in §22-11B-18 of this code;

(2) Ownership acquired by the pore space owners under subdivision (e)(1) of this section includes all rights and interests in the stored carbon dioxide and any associated leasing rights; *Provided, That all liability other than contractual obligations and criminal liability and ~~regulatory requirements~~ associated with the stored carbon dioxide shall become the responsibility of the state and the state shall defend, indemnify, and hold harmless the pore space and surface owners against all claims using only funds from the Carbon Dioxide Storage Facility Trust Fund;*

(3) The storage operator and all persons who transported and/or generated any stored carbon dioxide are released from all liability other than contractual obligations and criminal liability ~~and regulatory requirements~~ associated with the storage facility;

(4) Any bonds posted by the storage operator shall be released; and

(5) Notwithstanding ownership of the stored carbon dioxide in the pore space owners as provided herein, monitoring, and managing the storage facility shall become the state's responsibility to be overseen by the secretary utilizing only money from the Carbon Dioxide Storage Facility Trust Fund until such time as the federal government assumes responsibility for the long-term monitoring and management of storage facilities. The release of liability under this section shall not apply to a current or former owner or operator of a storage facility when such liability arises from that owner or operator's noncompliance with applicable underground injection control laws, regulations, or permits prior to issuance of the certificate of completion of injection operations nor shall it apply when the director determines that there is fluid migration for which the operator is responsible that causes or threatens imminent and substantial endangerment to an underground source of drinking water.

(f) The secretary shall require that a copy of the completion certificate and a survey of the storage field be filed with the county recorder in the county or counties where the carbon dioxide storage facility is located.

(g) The secretary shall implement this article in a manner consistent with and as he or she deems necessary to carry out the purposes and requirements of the federal Safe Drinking Water Act, as amended, and its implementing regulations relating to the State's primary enforcement authority for the underground injection control program established under that Act with respect to the storage and sequestration of carbon dioxide, including but not limited to the State's authority to immediately and effectively restrain any person from engaging in any unauthorized activity which is endangering or causing damage to public health or the environment. Additionally, in no event may the release of liability under this section interfere with the US EPA's authority under Section 1431 of the federal Safe Drinking Water Act.

Following discussion,

The question being on the adoption of Senator Smith's amendment to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 5045), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Senate Bill 351**, Expanding the definition of "small arms" for purposes of taxation.

**Senate Bill 378**, Prohibiting smoking in vehicle when minor 16 or under is present.

**Com. Sub. for Senate Bill 542**, Amending procedure for filling vacancies in certain county offices having more than three commissioners.

**Com. Sub. for Senate Bill 587**, Enabling State Fire Commission to propose legislative rules.

**Com. Sub. for Senate Bill 590**, Political Subdivision Labor Regulatory Limitation Act.

**Com. Sub. for Senate Bill 614**, Relating to elementary behavior intervention and safety.

And,

**Com. Sub. for Senate Bill 616**, Modifying definition of "family or household members" as it relates to domestic violence laws.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Tarr, Chapman, Weld, and Plymale.

At the request of Senator Tarr, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the passing of Koda Bryson Jarrett, a student at Winfield Middle School who was killed yesterday, Wednesday, February 7, 2024.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Plymale, unanimous consent being granted, it was ordered that the Journal show had Senator Plymale been present in the chamber on yesterday, Wednesday, February 7, 2024, he would have voted "yea" on the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill 325, Engrossed Senate Bill 507, Engrossed Senate Bill 529, Engrossed Committee Substitute for Senate Bill 540, Engrossed

Senate Bill 547, Engrossed Committee Substitute for Senate Bill 557, and Engrossed Committee Substitute for House Bill 4801.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 7, 2024:

**Senate Bill 583:** Senator Martin.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 7, 2024:

**Senate Bill 194:** Senator Hunt;

**Senate Bill 347:** Senators Stuart, Caputo, and Rucker;

**Senate Bill 355:** Senator Woodrum;

**Senate Bill 564:** Senators Hamilton, Nelson, and Queen;

**Senate Bill 568:** Senator Nelson;

**Senate Bill 572:** Senator Woodrum;

**Senate Bill 576:** Senator Caputo;

**Senate Bill 577:** Senator Woodrum;

**Senate Bill 591:** Senator Woodrum;

**Senate Bill 593:** Senator Woodrum;

**Senate Bill 601:** Senator Woodrum;

**Senate Bill 605:** Senator Hunt;

**Senate Bill 606:** Senator Hunt;

**Senate Bill 607:** Senator Hunt;

**Senate Bill 608:** Senators Takubo and Hunt;

**Senate Bill 609:** Senators Takubo and Hunt;

**Senate Bill 617:** Senator Taylor;

**Senate Bill 681:** Senator Takubo;

**Senate Bill 689:** Senator Deeds;

**Senate Bill 692:** Senators Hamilton and Deeds;

**Senate Bill 712:** Senators Hamilton and Phillips;

**Senate Bill 713:** Senator Woodrum;

**Senate Bill 714:** Senator Deeds;

**Senate Bill 715:** Senators Chapman and Deeds;

**Senate Joint Resolution 4:** Senator Rucker;

**Com. Sub. for Senate Joint Resolution 5:** Senator Rucker;

**Senate Joint Resolution 6:** Senator Woodrum;

**Senate Joint Resolution 7:** Senators Woodrum and Rucker;

**Senate Resolution 29:** Senators Hamilton and Taylor;

**Senate Resolution 30:** Senators Hamilton and Caputo;

And,

**Senate Resolution 31:** Senators Hamilton and Caputo.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:46 a.m., the Senate adjourned until tomorrow, Friday, February 9, 2024, at 9 a.m.

---

## FRIDAY, FEBRUARY 9, 2024

The Senate met at 9:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by David Lavender, Senate Sergeant at Arms, Hurricane, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

Pending the reading of the Journal of Thursday, February 8, 2024,

At the request of Senator Jeffries, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communication from a state agency as required by the provisions of law:

Environmental Protection, Department of (Special Reclamation Fund Advisory Council) (§22-1-17)

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended with its Senate amended title, to take effect from passage, of

**Eng. Com. Sub. for Senate Bill 300**, Relating to organization of Office of Inspector General.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4320**—A Bill to amend and reenact §16-29-1 of the Code of West Virginia, 1931, as amended, relating to and clarifying the process of providing copies of health care records that are to be furnished to patients, and to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29-3 relating to a parent or guardian's access to the health care records of their minor child; and relating to a requirement that no release, authorization, nor any form of permission from or by the minor child shall be required or requested as a prerequisite for the parent or legal guardian to obtain the medical records.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

**Eng. Com. Sub. for House Bill 4801**, Relating generally to the banking authority of the State Treasurer's Office.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2024, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4933**—A Bill to amend and reenact §9-5-12a of the Code of West Virginia, 1931, as amended, relating to Medicaid dental coverage; providing that purchases of dentures do not count against the \$1,000 yearly limit on coverage; and removing expired internal effective date.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5054**—A Bill to amend and reenact §16B-20-1, §16B-20-2, §16B-20-3, §16B-20-4, and §16B-20-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §16B-20-6, §16B-20-7, §16B-20-8 and §16B-20-9, all relating to the licensure of birthing centers; defining terms; creating license types for birthing centers; updating the procedure for application for and obtaining a license; updating license fees; providing for regulation by the Office of Health Facility Licensure and Certification; setting certain minimum standards in a birthing center; setting certain minimum required services; prohibiting certain prohibited services in a birthing center; restricting the location of birthing centers; allowing for variances and waivers from licensure standards; providing for inspections and inspection warrants; designating license limitations; providing procedure for denial, suspension, or revocation of a license; allowing civil money penalties; providing for administrative review and appeal rights; and permitting the Inspector General to promulgate rules, including emergency rules.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5057**—A Bill to amend and reenact §33-11A-7 of the Code of West Virginia, 1931, as amended, relating to defining the term "nominal fee" for providing a referral to an insurance company or producer.

Referred to the Committee on Banking and Insurance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5064**—A Bill to amend and reenact §17-24A-4 of the Code of West Virginia, 1931, as amended, relating to obtaining titles to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer, licensed automobile auction, motor vehicle repair facility or towing company; and removing the requirement that the loan value of the motor vehicle be less than \$9500 to allow the automobile dealer, licensed automobile auction, motor vehicle repair facility or towing company to obtain a certificate of title and registration for the abandoned motor vehicle or junked vehicle.

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect January 1, 2025, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5298**—A Bill to amend and reenact §3-5-4 of the Code of West Virginia, 1931, as amended, relating to prohibiting a candidate who failed to secure the nomination of a political party in a primary election from seeking the same elected office as an affiliate with a different political party in the subsequent general election.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

**Com. Sub. for Senate Bill 321** (originating in the Committee on Government Organization), Limiting municipalities' authority to restrict purchase and storage of weapons and ammunition.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Com. Sub. for Senate Bill 321** (originating in the Committee on Rules)—A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to limitations upon municipalities' power to restrict the sale and storage of weapons and ammunition; and preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Craig Blair,  
*Chair ex officio.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 352**, Modifying Unborn Child Protection Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 352** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-2R-3 and §16-2R-8 of the Code of West Virginia, 1931, as amended, relating to requiring voluntary and informed consent prior to performing an abortion; defining voluntary and informed consent as providing the patient information or availability of information on the associated medical risks, the opportunity to view an ultrasound, the probable gestational age, that perinatal hospital services are available, and that additional information is available on the Department of Health's website; and making technical changes.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 370**, Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 370** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §6C-2-5 and §6C-2-8 of the Code of West Virginia, 1931, as amended, all relating to updating Public Employees Grievance Board procedure to reflect that Level 3 decisions be appealed to the Intermediate Court of Appeals; and establishing venue for the enforceability of final orders issued by an administrative law judge.

**Senate Bill 632**, Relating to Dangerousness Assessment Advisory Board multi-disciplinary study group.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 632** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §27-6A-12 of the Code of West Virginia, 1931, as amended, relating to continuing the study group on development of a strategic plan for a sequential intercept model to divert certain individuals away from the criminal justice system into treatment and to promote continuity of care and interventions; specifying individuals with brain injuries

included among populations to be included in study; updating membership of the study group; continuing the study group; requiring supplemental and annual reporting; establishing a steering committee within the study group; and providing authority of steering committee.

And,

**Senate Bill 716**, Relating to child support.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 716** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §48-13-302 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-17-102 of said code; and to amend and reenact §49-4-801 of said code, all relating to child support generally; reconfiguring the West Virginia Child Support Enforcement Commission; authorizing temporary stay of basic child support obligation under certain circumstances; clarifying circuit judge's authority to limit child support obligation under certain limited circumstances; and establishing a protocol to assist circuit courts in determining the appropriate child support obligation in child abuse and neglect matters.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 530**, Removing requirement for counties to draft and adopt zoning ordinances.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 551**, Modifying requirements related to levy of service fees.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 568**, Creating multi-tiered system for school absenteeism.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 568** (originating in the Committee on Education)—A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-4-702 of said code, all relating to student absences; changing focus from truancy and unexcused absences to a multi-tiered system of support in all absences, both excused and unexcused; defining "absence", "absenteeism", "meaningful contact", and "multi-tiered system of support"; requiring county attendance director and assistant to ensure the implementation of the multi-tiered system of support interventions; requiring meaningful contact with parent, guardian, or custodian after three consecutive absences rather than after three unexcused absences; requiring meaningful contact with the parent, guardian, or custodian after five absences of any kind rather than after five unexcused absences; requiring the attendance director or assistants provide notice to parent after eight absences of any kind, which shall serve as due notice; requiring the principal or designee to ensure student support staff provide intentional interventions; authorizing the attendance director or assistant to make a complaint before a magistrate of the county after 10 total absences of any kind; revising requirements applicable when it appears from a complaint that there is probable cause to believe an offense has been committed; removing requirement for attendance director and assistant directors to prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance; removing requirement for West Virginia Board of Education rule that sets forth absences that are excluded for accountability purposes; removing requirement that attendance director file with the county superintendent and county board at the close of each month showing activities of the school attendance office and the status of attendance in the county; referring to existing school personnel reporting requirement applicable in certain cases pertaining to child neglect; and making referral for the development of a diversion program in truancy offense matters discretionary.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

The bill (Com. Sub. for S. B. 568), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 575, Assisted Reproduction Act.**

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 575** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, §16-67-6, §16-67-7, §16-67-8, §16-67-9, §16-67-10, §16-67-11, §16-67-12, §16-67-13, §16-67-14, §16-67-15, §16-67-16, and §16-67-17, all relating to assisted reproduction; defining terms; setting forth criteria to enter into gestational or genetic surrogacy agreement; requiring surrogacy agreement to be executed; setting forth process for agreement; setting forth content of agreement; setting forth effect of subsequent change in marital status in the agreement; setting forth exclusive and continuing jurisdiction of the court; providing for termination of the surrogacy agreement; providing for parentage as provided under the gestational surrogacy agreement; providing for parentage of deceased intended parent; providing for order of parentage; providing for the effect of the gestational surrogacy agreement; providing for the

requirements to validate a genetic surrogacy agreement; providing for termination of a genetic surrogacy agreement; providing for parentage under a validated genetic surrogacy agreement; providing for the effect of a non-validated genetic surrogacy agreement; providing for the parentage of the child in the event of a deceased parent in a genetic surrogacy agreement; and providing for breach of a genetic surrogacy agreement.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The bill (Com. Sub. for S. B. 575), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 581**, Requiring correctional facilities to provide free feminine hygiene products.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 581** (originating in the Committee on the Judiciary)—A Bill to amend and reenact the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §28-5C-3; and to amend and reenact §49-2-906 of said code, all relating to providing free feminine hygiene products to adult and juvenile females in custody or detention in jails, regional jails, or state correctional facilities, and female juveniles in juvenile detention; defining terms; and making a legislative finding.

And,

**Senate Bill 679**, Regulating certain plant-based derivatives, hemp-derived cannabinoid products, and Kratom.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 679** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §11-16-23 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-12E-12 of said code; to amend and reenact §19-12F-1, §19-12F-3, §19-12F-4, §19-12F-7, §19-12F-8, §19-12F-9, and §19-12F-11 of said code; to amend said code by adding thereto a new section, designated §19-12F-9a; and to amend and reenact §60-7-13 of said code, all relating to regulation of select plant-based derivatives, including hemp-derived cannabinoid products and regulation of kratom; clarifying findings; defining terms; redirecting moneys from monetary penalties assessed by Commissioner of Agriculture to another fund; by requiring permits to manufacture, process, distribute, offer to sell, and sell regulated products; prohibiting retailer from adding imposed tax as separate new charge; specifying regulatory authority of the Commissioner of Agriculture and the Alcohol Beverage Control Administration Commissioner; specifying funding requirements for nonintoxicating beer tax revenues; specifying application of the Administrative Procedures Act for certain contested cases; specifying application fees for certain permits; specifying requirements for business registration certificate, nexus, jurisdiction, and taxation relating to remote interstate sales and distribution; imposition of use tax; specifying maintenance of lists by the Commissioner of Agriculture of permittees, approved products and entities, and persons who cease to be permitted; specifying labeling requirements; authorizing use of funds by the Commissioner of Agriculture and Alcohol Beverage Control Administration Commissioner; specifying application of Tax Commissioner's fee; authorizing memoranda of understanding and information sharing between Tax Commissioner, Commissioner of Agriculture and Alcohol Beverage Control Administration Commissioner; specifying administrative sanctions; authorizing the Alcohol Beverage Control Administration Commissioner to

enforce regulation of the product at the retail level; authorizing enforcement actions involving agents of the Alcohol Beverage Control Administration Commissioner and persons acting upon the request, direction, or control of law-enforcement agencies; clarifying Alcohol Beverage Control Administration Commissioner's authority over alcohol licensees selling kratom and hemp-derived cannabinoid products; and specifying transfer of excess Alcohol Beverage Control Enforcement Fund money.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

The bills (Com. Sub. for S. B. 581 and 679), under the original double committee references, were then referred to the Committee on Finance.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 620**, Establishing WV Mothers and Babies Pregnancy Support Program.

And,

**Eng. Com. Sub. for House Bill 5157**, Relating to contingent increase of tax rate on certain eligible acute care hospitals.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 628**, Declaring certain claims as moral obligations of the State.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 628** (originating in the Committee on Finance)—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 629**, Requiring builders to follow State Building Code when local inspection and enforcement not provided.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 629** (originating in the Committee on Government Organization)—A Bill to amend and reenact §15A-11-5 of the Code of West Virginia, 1931, as amended, relating to State Building Code; authorizing State Fire Commission to promulgate emergency rules; making State Building Code applicable in all counties and every municipality on date certain;

clarifying that building code is applicable prospectively in counties and municipalities that did not previously adopt it; and requiring builder to follow provisions of State Building Code in construction or renovation of a structure even if county or municipality does not provide inspection and enforcement services.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. House Bill 4976**, Providing the contact information of the Inspector General on the agencies and boards websites of the executive departments.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Grady:**

**Senate Bill 727**—A Bill to amend and reenact §18-5A-5 of the Code of West Virginia, 1931, as amended; and to amend and

reenact §18A-4-8b of said code, all relating to revising the process for county boards of education to hire aides, early childhood classroom assistant teachers, and secretaries; allowing principal or certain other person designated in West Virginia Board of Education rule to be given opportunity to interview all qualified applicants and make recommendations regarding their employment; allowing faculty senate to interview or otherwise obtain information regarding applicants if the majority of duties will be performed at a school; adding to criterion that decisions affecting promotions and filling of the aide, early childhood classroom assistant teacher, or secretary positions are to be based on; establishing preference for early childhood classroom assistant teachers over aides as an additional criterion to be considered; specifying weight to be given to each criterion; requiring all qualified applicants to be considered together in one group; requiring appointment of applicant if the principal and faculty senate recommend the same applicant and the county superintendent concurs; and requiring state board rule to implement and interpret the provisions of §18A-4-8b of this code.

Referred to the Committee on Education.

**By Senator Deeds:**

**Senate Bill 728**—A Bill to amend and reenact §15-2-33 and of the Code of West Virginia, 1931, as amended, relating to changing the awards and benefits to dependents of State Police officers who must take disability retirement to better match the awards and benefits of the dependents of State Police retirants who serve 20 years without disability retirement.

Referred to the Committee on Finance.

**By Senator Deeds:**

**Senate Bill 729**—A Bill to amend and reenact §5-10-20 of the Code of West Virginia, 1931, as amended, authorizing sheriffs who are members of the public retirement system to retire upon attaining the age of 62 with eight or more years of service.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Deeds:**

**Senate Bill 730**—A Bill to amend and reenact §11A-1-17 of the Code of West Virginia, 1931, as amended, relating to sheriff's commission for collection of taxes.

Referred to the Committee on Government Organization.

**By Senator Deeds:**

**Senate Bill 731**—A Bill to amend and reenact §7-14-17c of the Code of West Virginia, 1931, as amended, relating to clarifying the amount of a deputy sheriff's annual monetary payment for years of service.

Referred to the Committee on Government Organization.

**By Senator Weld:**

**Senate Bill 732**—A Bill to amend and reenact §15-10-7 of the Code of West Virginia, 1931, as amended, relating to cooperation between law-enforcement agencies and military authorities; providing prosecuting attorneys may assign an assistant prosecutor to provide assistance to the National Guard or other military authority within the state; providing that law enforcement shall share certain information with military authorities regarding military members; and establishing purpose of the amendments.

Referred to the Committee on the Judiciary.

**By Senators Azinger, Stuart, Taylor, and Woodrum:**

**Senate Bill 733**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-4-7, relating to the replacement of the statue of the Honorable Robert C. Byrd with a statue of George Washington, Abraham Lincoln, James Madison, and Arthur I. Boreman, one each, placed in a corner of the rotunda of the Capitol.

Referred to the Committee on Finance.

**By Senator Barrett:**

**Senate Bill 734**—A Bill to amend and reenact §55-2-6, §55-2-7, and §55-2-11 of the Code of West Virginia, 1931, as amended, all relating to limitation of certain actions; reducing time within

which to bring actions to recover on written and oral contracts, certain bonds, and recognizances.

Referred to the Committee on the Judiciary.

**By Senators Rucker, Azinger, Chapman, Deeds, Hunt, Karnes, Martin, Maynard, Roberts, Stuart, and Taylor:**

**Senate Bill 735**—A Bill to amend and reenact §16-2R-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-2R-10, all relating to prohibiting the use or sale of abortifacients, and enacting criminal penalties and private causes of action for supplying abortifacients and creating severability.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 736**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-11A-1b, relating to establishing the Second Look Sentencing Act; providing a procedure for modification of a prison sentence when a person has served at least 10 years of a sentence.

Referred to the Committee on the Judiciary.

**By Senators Smith, Rucker, and Taylor:**

**Senate Bill 737**—A Bill to amend and reenact §11-13-9 of the Code of West Virginia, as amended, all relating to eliminating the exemption from taxation of state-owned real property within the counties.

Referred to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 738**—A Bill to amend and reenact §15A-10-7 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal may promulgate emergency rules relating to increased fees.

Referred to the Committee on Government Organization.

**By Senator Chapman:**

**Senate Bill 739**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-8a, relating to including postpartum depression, anxiety, psychosis, and obsessive-compulsive disorders in existing public health programs.

Referred to the Committee on Health and Human Resources.

**By Senators Grady, Weld, and Trump:**

**Senate Bill 740**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §61-8C-2a, relating to the filming of minors engaged in sexually explicit conduct; creating a new criminal offense of manipulating a photograph, image, video clip, movie, or similar recording containing sexually explicit conduct by the insertion thereof of a visual image of an actual minor so as to create the appearance that it is a minor engaged in the sexually explicit conduct; defining terms; clarifying that the offense is separate and distinct from any other offense set forth in the code and establishing criminal penalties.

Referred to the Committee on the Judiciary.

**By Senators Grady, Weld, and Trump:**

**Senate Bill 741**—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §61-8C-12, relating to creating the criminal offenses of creating, producing, distributing, receiving, or possessing with intent to distribute visual depictions, artificial intelligence created child pornography when no actual minor is depicted; setting forth findings; defining terms; clarifying that the visual depiction of a minor need not be of an actual person; and establishing penalties.

Referred to the Committee on the Judiciary.

**By Senators Weld, Caputo, Stover, Martin, and Queen:**

**Senate Bill 742**—A Bill to amend and reenact §5-10-20 of the Code of West Virginia, 1931, as amended, authorizing sheriffs who

are members of the public retirement system to retire upon attaining the age of 62 with eight or more years of service.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 743**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §9-5-34, relating to West Virginia Bureau for Medical Services' medically supervised weight loss program; defining terms; setting forth eligibility criteria; setting forth approval process; requiring regular assessments of the program focused on spending and health outcomes; and requiring reporting to the Legislature.

Referred to the Committee on Health and Human Resources.

Senator Clements offered the following resolution:

**Senate Resolution 33**—Designating February 12, 2024, as Corrections Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 32**, Designating February 9, 2024, as Eating Disorder Advocacy Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Com. Sub. for Senate Bill 441**, Restricting driving in left lane of multi-lane highways in WV.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 8, 2024, for amendments to be received on third reading, was read a third time.

On motion of Senator Rucker, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page 2, section 1, after line 24, by inserting a new subdivision, designated subdivision (4), to read as follows:

"(4) When traffic conditions or congestion make it necessary to drive in the left lane, provided that driving in the left lane does not impede the normal and reasonable movement of traffic in the left lane;"

And,

By renumbering the remaining subdivisions.

Following discussion,

The question being on the adoption of Senator Rucker's amendments to the bill, the same was put and prevailed.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 441 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 441 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Clements and Stover—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 441) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 548**, Clarifying appellate jurisdiction of Intermediate Court of Appeals.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Clements and Stover—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 548) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 595**, Amending embalmer licensing requirements.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips,

Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Clements and Stover—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 595) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 600**, Revising criteria for receiving reenlistment or retention bonus.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Clements and Stover—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 600) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for House Bill 5045**, Related to the administration of the West Virginia Water Pollution Control Act, and Underground Carbon Dioxide Sequestration and Storage.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Clements and Stover—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5045) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Senate Bill 351**, Expanding the definition of "small arms" for purposes of taxation.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 378**, Prohibiting smoking in vehicle when minor 16 or under is present.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 542**, Amending procedure for filling vacancies in certain county offices having more than three commissioners.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 587**, Enabling State Fire Commission to propose legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 590**, Political Subdivision Labor Regulatory Limitation Act.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Trump, the following amendment to the bill was reported by the Clerk:

On page 1, section 2, lines 2 and 3, by striking out the comma and the words "and county board of education".

Following discussion,

The question being on the adoption of Senator Trump's amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 590), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 614**, Relating to elementary behavior intervention and safety.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 616**, Modifying definition of "family or household members" as it relates to domestic violence laws.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 544**, Raising threshold for bid requirement of municipal public works projects.

**Com. Sub. for Senate Bill 577**, Limiting landowner liability when land is used for certain purposes.

**Com. Sub. for Senate Bill 578**, Clarifying offense of burglary.

**Senate Bill 605**, Requiring electronic funds transfer of retirement contributions by participating employers.

**Senate Bill 606**, Relating to Natural Resources Police Officers Retirement System.

**Senate Bill 607**, Clarifying Municipal Police Officers and Firefighters Retirement System surviving spouse benefits.

**Com. Sub. for Senate Bill 608**, Relating to Emergency Medical Services Retirement System.

**Senate Bill 609**, Deputy Sheriff Retirement System Act.

**Senate Bill 658**, Supplementing and amending appropriations to Department of Administration, Public Defender Services.

And,

**Eng. House Bill 5153**, Relating to revising, updating and streamlining the requirements governing the West Virginia Science, Technology, Engineering, and Mathematics Scholarship.

The Senate proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

**West Virginia House of Delegates**

OFFICE OF THE CLERK  
BUILDING 1, SUITE 212  
1900 KANAWHA BLVD., EAST  
CHARLESTON 25305

STEPHEN J. HARRISON  
CLERK OF THE HOUSE

(304) 340-3200  
STEVE.HARRISON@WHOUSE.GOV

February 7, 2024

The Honorable Jim Justice, II  
Governor, State of West Virginia  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

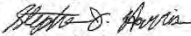
Dear Governor Justice,

The following bill, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, has been examined and found truly enrolled:

**H. B. 4026**, Authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles.

This bill is presented to you on this day, February 7, 2024.

Respectfully submitted,

  
Stephen J. Harrison  
Clerk of the House of Delegates

C: The Honorable Lee Cassis  
Clerk of the Senate

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on February 8, 2024:

**Senate Bill 312:** Senator Rucker;

**Senate Bill 352:** Senator Roberts;

**Senate Bill 581:** Senator Rucker;

**Senate Bill 601:** Senator Martin;

**Senate Bill 605:** Senator Hamilton;

**Senate Bill 606:** Senator Hamilton;

**Senate Bill 607:** Senator Hamilton;

**Senate Bill 608:** Senator Hamilton;

**Senate Bill 609:** Senator Hamilton;

**Senate Bill 617:** Senator Maroney;

**Senate Bill 620:** Senator Roberts;

**Senate Bill 629:** Senator Hamilton;

**Senate Bill 632:** Senator Deeds;

**Senate Bill 638:** Senator Maroney;

**Senate Bill 679:** Senator Deeds;

**Senate Bill 717:** Senators Woelfel, Woodrum, and Deeds;

**Senate Bill 719:** Senator Woelfel;

**Senate Bill 720:** Senator Woodrum;

And,

**Senate Resolution 32:** Senator Rucker.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 9:39 a.m., the Senate adjourned until Monday, February 12, 2024, at 11 a.m.

---

## MONDAY, FEBRUARY 12, 2024

The Senate met at 11:04 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Chaplain Ben Adams, St. Marys Correctional Center and Jail, St. Marys, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jay Taylor, a senator from the fourteenth district.

Pending the reading of the Journal of Friday, February 9, 2024,

At the request of Senator Rucker, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communication from a state agency as required by the provisions of law:

Ethics Commission (Advisory Opinions) (§6B-2-3)

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 318**, Modifying process of when parental rights are terminated.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Senate Bill 428**, Establishing appeals from administrative rulings are to be filed with Intermediate Court of Appeals.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

**"ARTICLE 11B. FROZEN DESSERTS AND IMITATION  
FROZEN DESSERTS LAW.**

**§19-11B-12. Hearings and appeals.**

(a) Any person aggrieved by any action taken under this article shall be afforded the opportunity for a hearing before the commissioner under the rules promulgated by the commissioner.

(b) Hearings shall be conducted in accordance with procedures set forth by rule.

(c) All the testimony and evidence at a hearing shall be recorded by mechanical means, which may include the use of tape recordings. The mechanical record shall be maintained for 90 days from the date of the hearing and a transcript shall be made available to the aggrieved party.

(d) Any party who feels aggrieved of the suspension, revocation, or denial order may appeal ~~within 60 days to the circuit court of the county in which the person has located its principal place of business~~ Intermediate Court of Appeals pursuant to the provisions of §29A-5-4 of this code."

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 428, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 428) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Senate Bill 543**, Relating to research and economic development agreements for state institutions of higher education.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4704**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2P-1 §5B-2P-2, and §5B-2P-3, relating to establishing Infrastructure Ready Jurisdictions; establishing the requirement for this designation; establishing rulemaking for these Infrastructure Ready Jurisdictions for the Department of Economic Development; awarding an additional five percent preferential

scoring for entities on projects within these jurisdictions on all permissible grants; and providing that this is not available within an uncertified municipality even if the surrounding county or counties are certified.

Referred to the Committee on Economic Development.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4851**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-52; to amend and reenact §15-2D-3 of said code; and to amend and reenact §61-7-11a of said code, all relating to creating school security officers; requiring the director of the Division of Protective Services to establish standards for school security officers and issue a certificate; providing definitions; authorizing local school boards, public charter schools, and private or religious schools to employ school security officers; providing standards for a school security officer to carry a firearm on school grounds; requiring a background check; specifying the detention powers of a school security officer and limitations on detention powers; requiring data sharing with the Division of Protective Services; specifying payment for equipment; requiring insurance for schools employing a school security officer; and clarifying that the prohibitions on carry a firearm in a school zone do not apply to certified school security officers.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4885**—A Bill to amend and reenact §17C-10-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting unlawful traffic interference; creating the offense of unlawful traffic interference; creating criminal penalties; and providing exceptions.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5083**—A Bill to amend and reenact §17A-2A-7 of the Code of West Virginia, 1931, as amended, relating to granting West Virginia companies operating towing and recovery vehicles access to driver registration information on demand, providing Department of Motor Vehicles carry out steps needed to achieve this goal; and providing a date certain to meet this requirement.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5179**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, and §18-34-3, all relating to the creation of Jaycie's Law; providing for legislative intent; requiring the West Virginia Department of Education to establish a policy to support the educational and parenting goals and improve the educational outcomes of pregnant and parenting students; requiring an allotment of at least 8 weeks for a student's pregnancy and providing for an effective date.

Referred to the Committee on Health and Human Resources; and then to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5248**—A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article,

designated §16B-22-1, §16B-22-2, §16B-22-3, §16B-22-4, §16B-22-5, §16B-22-6, §16B-22-7, §16B-22-8, §16B-22-9, §16B-22-10 and §16B-22-11; and to repeal §27-9-1 and §27-9-2 of said code; and to repeal §27-17-1, §27-17-2, §27-17-3, and §27-17-4 of said code, all relating to the regulation of behavioral health centers; providing definitions; creating licenses for residential behavioral health centers and non-residential behavioral health centers; setting license fees for residential behavioral health centers and non-residential behavioral health centers; providing for the regulation and oversight of all behavioral health centers by the Office of Health Facility Licensure and Certification; designating the necessity for a governing body and administrator and prescribing duties and responsibilities; setting certain minimum standards in any behavioral health center; setting certain minimum standards for behavioral health centers; restricting the location of specific treatment settings for behavioral health centers; allowing for variances or waivers from licensure standards; providing for inspections and inspection warrants; designating license limitations; providing a procedure for denial, suspension, or revocation of a license; allowing civil money penalties; providing for administrative review and appeal rights; and permitting the Inspector General to promulgate rules, including emergency rules.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Trump:**

**Senate Bill 744**—A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting civil rights violations based on disability, gender identity, or sexual orientation; criminal penalties; when evidence of constitutionally protected speech or associations is not admissible in criminal prosecutions; exceptions; providing for sentencing alternatives for

persons convicted of violations; and designating amendments to this section as Angel's Law.

Referred to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 745**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-9-1, §46A-9-2, and §46A-9-3, all relating to defining terms; requiring pharmacies in West Virginia to charge senior citizens the lowest national price for prescription drugs; and to granting enforcement powers to the Attorney General.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 746**—A Bill to amend and reenact §15A-8-2 and §15A-8-3 of the Code of West Virginia, 1931, as amended, all relating to the composition of the West Virginia Regional Jail and Correctional Facility Authority Board and scheduled meetings.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 747**—A Bill to amend and reenact §3-8-2c of the Code of West Virginia, 1931, as amended, relating to authorized uses of political party headquarters' funds and funding sources to include corporate contributors.

Referred to the Committee on Government Organization.

**By Senator Rucker:**

**Senate Bill 748**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-44-1, §30-44-2, §30-44-3, §30-44-4, §30-44-5, §30-44-6, §30-44-7, §30-44-8, §30-44-9, §30-44-10, §30-44-11, §30-44-12, §30-44-13, §30-44-14, §30-44-14a, §30-44-14b, §30-44-15, §30-44-16, and §30-44-17, all relating generally to certified professional midwives; providing for definitions; setting forth the license required to practice; providing requirements for the license;

providing for the license renewal and reinstatement; establishing temporary permits; detailing the contents of the license or certificate, providing for continuing education; clarifying the use of titles; providing for the denial, revocation, or suspension of license; listing exceptions; establishing prohibitions and penalties; creating an injunction or other relief against unlawful acts; providing for regulations governing the practice of midwifery; defining established medical tests, legend drug formulary, and medical devices; creating a drugs legend; creating a medical tests legend; providing for midwife responsibilities; providing for confidentiality; and providing for immunity.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 749**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-10-1, §12-10-2, §12-10-3, §12-10-4, §12-10-5, §12-10-6, §12-10-7, §12-10-8, and §12-10-9; and to amend and reenact §47-6-4 of said code, all relating generally to the use of gold and silver as legal tender in the State of West Virginia; defining terms; authorizing the State Treasurer to establish the West Virginia Bullion Depository within the State Treasury; making the State Treasurer the administrator of the depository; providing that deposits are held in trust for account holders and are not subject to appropriation; prohibiting payment of interest on deposits; establishing the West Virginia Bullion Depository administrative account; setting forth the duties of the administrator; enumerating the powers of the administrator; setting forth requirements for deposits; authorizing the depository to issue transactional currency; requiring the administrator to promulgate legislative rules and emergency rules subject to certain requirements; exempting depository account contents from state taxation; providing for the confidentiality of depository records; recognizing gold coin issued by the United States as legal tender in West Virginia; and recognizing bullion, specie, and transaction currency, issued by the depository, as legal tender in West Virginia.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senator Caputo (By Request):**

**Senate Bill 750**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-30, relating to fentanyl abuse prevention and drug poisoning awareness education in public schools; and establishing a Fentanyl Poisoning Awareness Week for grades 6 through 12, to be known as Laken's Law.

Referred to the Committee on Education.

**By Senator Barrett:**

**Senate Bill 751**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-21A-101, §47-21A-102, §47-21A-103, §47-21A-104, §47-21A-105, §47-21A-106, §47-21A-107, §47-21A-108, §47-21A-109, §47-21A-110, §47-21A-111, §47-21A-112, §47-21A-113, §47-21A-114, §47-21A-115, §47-21A-116, §47-21A-117, §47-21A-118, §47-21A-119, §47-21A-120, §47-21A-121, §47-21A-122, §47-21A-123, §47-21A-124, §47-21A-125, §47-21A-126, §47-21A-127, §47-21A-128, §47-21A-129, and §47-21A-130, all relating to creating online charitable raffles.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

**By Senator Hamilton:**

**Senate Bill 752**—A Bill to amend and reenact §19-1-4 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to complete certain land transfers.

Referred to the Committee on Agriculture and Natural Resources.

**By Senators Hunt, Chapman, and Martin:**

**Senate Bill 753**—A Bill to amend and reenact §30-5-7 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Pharmacy to propose a legislative rule

establishing regulations permitting prescription of Schedule V drugs.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Barrett:**

**Senate Bill 754**—A Bill to amend and reenact §17D-2A-6a of the Code of West Virginia, 1931, as amended, relating to requiring new and used motor vehicle dealerships in this state to utilize a search engine to determine if prospective buyers of vehicles have valid motor vehicle insurance.

Referred to the Committee on Transportation and Infrastructure.

**By Senators Barrett and Caputo:**

**Senate Bill 755**—A Bill to amend and reenact §16-9E-1, §16-9E-3, §16-9E-4, and §16-9E-5 of the Code of West Virginia, 1931, as amended, all relating to the delivery sales of tobacco; providing definitions; authorizing the delivery sales within state boundaries by retail sellers and remote delivery services; providing age verification requirements for online delivery sales; altering labeling requirements; and providing record retention requirements for information relating to delivery sales of tobacco products.

Referred to the Committee on the Judiciary.

**By Senators Caputo, Chapman, Jeffries, Phillips, Plymale, Queen, and Smith:**

**Senate Bill 756**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22A-1-10a, relating to providing state mine inspectors with a \$4,000 raise.

Referred to the Committee on Finance.

**By Senators Weld, Caputo, Martin, and Queen:**

**Senate Bill 757**—A Bill to amend and reenact §11A-1-17 of the Code of West Virginia, 1931, as amended, relating to sheriff's commission for collection of taxes.

Referred to the Committee on Government Organization.

**By Senator Grady:**

**Senate Bill 758**—A Bill to amend and reenact §11-8-26 of the Code of West Virginia, 1931, as amended, relating to unlawful expenditures by local fiscal bodies; and prohibiting obligating local fiscal bodies beyond one year, subject to exceptions.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senators Rucker and Chapman:**

**Senate Bill 759**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-31-1, relating to requiring taxi companies and network transportation companies to provide human trafficking awareness training to employees; and providing for enforcement and rulemaking.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

Senator Weld offered the following resolution:

**Senate Resolution 34**—Recognizing William Schwertfeger, decorated combat veteran of the United States Army in World War II and centenarian.

Which, under the rules, lies over one day.

Senator Stover offered the following resolution:

**Senate Resolution 35**—Recognizing the 152nd anniversary of Glenville State University.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 33**, Designating February 12, 2024, as Corrections Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Deeds, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 351**, Expanding the definition of "small arms" for purposes of taxation.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 351) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 378**, Prohibiting smoking in vehicle when minor 16 or under is present.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 378 pass?"

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Martin, Nelson, Oliverio, Phillips, Plymale, Queen, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Azinger, Chapman, Karnes, Maynard, Roberts, Rucker, Smith, and Stuart—8.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 378) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 542**, Amending procedure for filling vacancies in certain county offices having more than three commissioners.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 542) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 587**, Enabling State Fire Commission to propose legislative rules.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 587) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 590**, Political Subdivision Labor Regulatory Limitation Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—28.

The nays were: Caputo, Chapman, Hamilton, Plymale, and Woelfel—5.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 590) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 614**, Relating to elementary behavior intervention and safety.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 614 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Trump—1.

Absent: Stover—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 614) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 616**, Modifying definition of "family or household members" as it relates to domestic violence laws.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 616) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 544**, Raising threshold for bid requirement of municipal public works projects.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Com. Sub. for Senate Bill 577**, Limiting landowner liability when land is used for certain purposes.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 578**, Clarifying offense of burglary.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 605**, Requiring electronic funds transfer of retirement contributions by participating employers.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 606**, Relating to Natural Resources Police Officers Retirement System.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 607**, Clarifying Municipal Police Officers and Firefighters Retirement System surviving spouse benefits.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 608**, Relating to Emergency Medical Services Retirement System.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Senate Bill 609**, Deputy Sheriff Retirement System Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Senate Bill 658**, Supplementing and amending appropriations to Department of Administration, Public Defender Services.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Eng. House Bill 5153**, Relating to revising, updating and streamlining the requirements governing the West Virginia Science, Technology, Engineering, and Mathematics Scholarship.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Com. Sub. for Com. Sub. for Senate Bill 321**, Limiting municipalities' authority to restrict purchase and storage of weapons and ammunition.

**Com. Sub. for Senate Bill 352**, Modifying Unborn Child Protection Act.

**Com. Sub. for Senate Bill 370**, Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals.

**Senate Bill 530**, Removing requirement for counties to draft and adopt zoning ordinances.

**Senate Bill 551**, Modifying requirements related to levy of service fees.

**Senate Bill 620**, Establishing WV Mothers and Babies Pregnancy Support Program.

**Com. Sub. for Senate Bill 628**, Declaring certain claims as moral obligations of the state.

**Com. Sub. for Senate Bill 629**, Requiring builders to follow State Building Code when local inspection and enforcement not provided.

**Com. Sub. for Senate Bill 632**, Relating to Dangerousness Assessment Advisory Board multi-disciplinary study group.

**Com. Sub. for Senate Bill 716**, Relating to child support.

**Eng. House Bill 4976**, Providing the contact information of the Inspector General on the agencies and boards websites of the executive departments.

And,

**Eng. Com. Sub. for House Bill 5157**, Relating to contingent increase of tax rate on certain eligible acute care hospitals.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Trump.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Trump were ordered printed in the Appendix to the Journal.

The Senate then proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia  
Charleston

LEE CASSIS  
CLERK OF THE SENATE



STATE CAPITOL BUILDING  
1900 KANAWHA BOULEVARD  
CHARLESTON, WV 25305-0800  
304.527.7800

February 9, 2024

The Honorable Jim Justice, II  
Governor, State of West Virginia  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Governor Justice,

The following bill, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, has been examined and found truly enrolled:

**Com. Sub. for S. B. 31**, Authorizing Department of Human Services to promulgate legislative rules.

This bill is presented to you on this day, February 9, 2024.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lee Cassis", is written over a horizontal line.

Lee Cassis  
Clerk of the Senate

C: The Honorable Stephen J. Harrison  
Clerk of the House of Delegates

[lccassis@westlegislators.gov](mailto:lccassis@westlegislators.gov)

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 9, 2024:

**Senate Bill 224:** Senator Rucker;

**Senate Bill 246:** Senator Rucker;

**Senate Bill 452:** Senator Plymale;

**Senate Bill 517:** Senator Rucker;

**Senate Bill 632:** Senator Rucker;

**Senate Bill 667:** Senator Plymale;

**Senate Bill 694:** Senator Caputo;

**Senate Bill 727:** Senators Roberts and Plymale;

**Senate Bill 728:** Senators Woelfel and Trump;

**Senate Bill 731:** Senator Plymale;

**Senate Bill 732:** Senator Deeds;

**Senate Bill 736:** Senator Caputo;

**Senate Bill 739:** Senators Woelfel and Rucker;

**Senate Bill 740:** Senators Woelfel, Chapman, Rucker, Deeds, Smith, and Stuart;

**Senate Bill 741:** Senators Chapman, Woelfel, Deeds, Smith, and Plymale;

**Senate Bill 742:** Senator Deeds;

**Senate Joint Resolution 6:** Senator Plymale;

**Senate Joint Resolution 7:** Senator Plymale;

And,

**Senate Resolution 33:** Senators Hamilton, Rucker, Caputo, Smith, and Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:20 p.m., the Senate adjourned until tomorrow, Tuesday, February 13, 2024, at 11 a.m.

---

## TUESDAY, FEBRUARY 13, 2024

The Senate met at 11:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Pastor Paul Coon, Coal Fork United Methodist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael A. Woelfel, a senator from the fifth district.

Pending the reading of the Journal of Monday, February 12, 2024,

At the request of Senator Maynard, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communication from a state agency as required by the provisions of law:

Administration, Department of (Comprehensive Procurement Program for Recycled Products) (§22-15A-21)

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

**Eng. Senate Bill 547**, Authorizing legislative rules for Higher Education Policy Commission.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4224**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-26, relating to performance metrics for the West Virginia Division of Highways; requiring the division to develop performance standards and criteria to measure agency performance in all essential operations; requiring the division to employ a management information system that will track the division's past and current progress toward meeting performance standards; and requiring the division to report to the Joint Committee on Infrastructure.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4233**—A Bill to amend and reenact §16-5-10 of the Code of West Virginia, 1931, as amended, relating to listing of sex on birth certificates and prohibiting the use of "non-binary" as a sex description on birth certificates.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4758**—A Bill to amend and reenact §15A-12-1, §15A-12-2, §15A-12-3, §15A-12-4, §15A-12-5 and §15A-12-7 of the Code of West Virginia, 1931, as amended, all relating to the Fusion Center; providing the creation of the Joint Oversight Committee on the Fusion Center and defining the composition and duties associated with the Committee; exempting the Joint Oversight Committee from the open meetings act; providing non-disclosure agreement requirements; defining terrorism; clarifying the Fusion Center's duties, functions, reporting requirements, prohibitions and restrictions when information or intelligence is gathered for prohibited purposes; providing reporting requirements for information or intelligence gathered regarding election fraud or tampering; requiring that an annual report be provided to the Committee and clarifying the information required in the report; and creating criminal penalties for violations of prohibitions and restrictions applicable to the West Virginia Fusion Center.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4845**—A Bill to amend and reenact §61-6-20 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for certain instances of false reporting of an emergency incident, and clarifying the applicability of this section.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5232**—A Bill to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to updating the Business Liability Protection Act;

clarifying when a property owner may inquire as to lawful firearm possession; clarifying when a property owner may not remove a person from the property based on lawful firearm possession; and clarifying that an employer may not terminate or take other adverse action against an employee in certain circumstances.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5250**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-9-1, §46A-9-2, §46A-9-3, §46A-9-4, §46A-9-5, and §46A-9-6 all relating to defining terms, establishing required notices, and describing necessary training to combat gift card fraud as well as describing the penalties associated with violating these provisions.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5251**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, and §46A-6O-4, relating to the Telephone Consumer Protection Act; defining terms; establishing exclusions; establishing conduct that is prohibited under the article; and setting forth violations.

Referred to the Committee on the Judiciary.

### **Executive Communications**

The Clerk presented the following communication from His Excellency, the Governor, regarding bills approved by him:



*Jim Justice*  
*Governor of West Virginia*

February 13, 2024

The Honorable Stephen J. Harrison, Clerk  
West Virginia House of Delegates  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

House Bill No. Four Thousand Twenty-Six (4026), which was presented to me on February 7, 2024.

You will note that I have approved this bill on February 13, 2024.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim Justice".

Jim Justice  
Governor

JJ/mc

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

**Senate Bill 375**, Health Care Sharing Ministries Freedom to Share Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 375** (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1B-1, §35-1B-2, §35-1B-3, §35-1B-4, and §35-1B-5, all relating to creating the Health Care Sharing Ministries Freedom to Share Act; exempting a health care sharing ministry from the state's insurance laws; providing definitions; providing that membership in a health care sharing ministry satisfies a requirement to have health care insurance by a public institution of higher education; and providing that a health care sharing ministry is not a third-party payer for any purposes.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Banking and Insurance.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 556**, Relating to DNA data maintained for law-enforcement purposes.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 556** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-2B-2, §15-2B-3, §15-2B-5, §15-2B-6, §15-2B-9, and §15-2B-11 of the Code of West Virginia, 1931, as amended, all relating to deoxyribonucleic acid that is maintained for law-enforcement purposes in West Virginia; providing updates for the policy of maintaining deoxyribonucleic acid; defining terms; requiring deoxyribonucleic acid collection from all persons convicted of felonies and certain misdemeanors; requiring deoxyribonucleic collection from all persons charged by indictment, or information of any felony offense after a grand jury has returned an indictment, or prosecution by indictment has been waived; adding qualifying offense of domestic battery; specifying testing methods; authorizing emergency, and requiring, legislative rules; specifying expungement in certain circumstances; and providing failure to expunge or reasonably delay expungement will not invalidate an identification, warrant, probable cause to arrest or arrest based upon a database match.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Trump, unanimous consent being granted, the bill (Com. Sub. for S. B. 556) contained in the

foregoing report from the Committee on the Judiciary was then referred to the Committee on Finance.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

**Senate Bill 613**, WV Residential Mortgage Lender, Broker and Servicer Act.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 613) contained in the preceding report from the Committee on Banking and Insurance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 622**, Updating time period of voting inactivity for removal from voter registration.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 622** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-2-25 of the Code of West Virginia, 1931, as amended, relating to systemic purging program and additional systematic confirmation procedure for the removal of ineligible voters from active voter rolls;

removing obsolete reference to combined voter registration and licensing fund; decreasing the period of voting inactivity from four to two years; and providing an internal effective date.

**Senate Bill 623**, Requiring DMV to provide images of certain individuals to Secretary of State for voter identification purposes.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 623** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating to requiring Division of Motor Vehicles to provide images of persons issued any identification or license to the Secretary of State for voter identification purposes; and providing an internal effective date for the amendments to this section.

And,

**Senate Bill 624**, Cancelling voter registration records for individuals no longer WV residents.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 624** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-2-27 of the Code of West Virginia, 1931, as amended, relating to authorizing cancellation of voter registration records for individuals who are no longer West Virginia citizens and who have obtained a driver's license in another state; and providing an internal effective date for the amendments to this section.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 622, 623, and 624) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 4**, US Army 2LT Eston Kuhn Memorial Road.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Concurrent Resolution 4** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 03-085/00-019.17 (03A081), locally known as Crazy Bridge, located at 37°56'27.7"N 81°42'33.5"W near Marthatown in Boone County, the "U.S. Army 2LT Eston Kuhn Memorial Bridge".

**Senate Concurrent Resolution 22**, US Army and Marine Corps Major and Olympic Gold Medalist Cornelius Burdette Memorial Road.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Concurrent Resolution 22** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name a portion of County Route 20, from 37.76953571727715, -80.89182448747788 to Cooper Hollow Road in Summers County, the "USMC Major Cornelius Burdette Memorial Road".

And,

**Senate Concurrent Resolution 26**, US Army PFC Clarence William (Buck) Holliday Memorial Road.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Concurrent Resolution 26** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name County Route 20/Spring Creek Station Road, located between 37° 56' 43.9866", -80° 22' 35.2122" and 37° 59' 28.6938", -80° 21' 49.9062" in Greenbrier County, the "U.S. Army Private Clarence William 'Buck' Holliday Memorial Road".

With the recommendation that the three committee substitutes be adopted.

Respectfully submitted,

Charles H. Clements,

*Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 21**, US Army MSG James E. Jackson Jr. Memorial Road.

**Senate Concurrent Resolution 23**, US Navy LT Lewis Joseph D'Antoni Memorial Road.

And,

**Senate Concurrent Resolution 25**, US Army SGT Wyatt K. Hinton Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

**Eng. Com. Sub. for House Bill 4837**, Clarifying the duty of banks to retain and procure records.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Banking and Insurance pending.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Eng. House Bill 5019**, Relating to surrender and return of license not required for disqualifying or downgrading a driver's license.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 5019) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, and ordered to second reading.

At the request of Senator Plymale, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Nelson:**

**Senate Bill 760**—A Bill to amend and reenact §5-10-2, §5-10-14, and §5-10-17 of the Code of West Virginia, 1931, as amended, all relating generally to legislative employment and retirement; and modifying the length of service an employee of the Legislature whose term of employment is otherwise classified as temporary, and who is employed to perform services required by the Legislature for its regular sessions, must serve to obtain service credit towards retirement.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 761**—A Bill to amend and reenact §18-5G-12 of the Code of West Virginia, 1931, as amended, relating to providing greater access to unused buildings for public charter schools.

Referred to the Committee on School Choice; and then to the Committee on Education.

**By Senator Barrett:**

**Senate Bill 762**—A Bill to amend and reenact §21-17-3 and §21-17-4 of the Code of West Virginia, 1931, as amended, all relating to the issuance of occupational licenses or other authorization to practice; removing certain qualifications required to obtain occupational licenses or other authorization to practice based on licensure in another state; removing certain residency requirements required to obtain occupational licenses or other authorization to practice based on licensure in another state; and removing certain residency requirements required to obtain occupational licenses or other authorization to practice based on work experience in another state.

Referred to the Committee on Government Organization.

**By Senator Weld:**

**Senate Bill 763**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-28, relating to exempting certain records from public release.

Referred to the Committee on Military.

**By Senators Woodrum and Trump:**

**Senate Bill 764**—A Bill to amend and reenact §20-7-1b of the Code of West Virginia, 1931, as amended, relating to requiring the Director of the Division of Natural Resources to enter into written agreements with federal agencies in the state with law-enforcement duties on and in federal lands located within the boundaries of West Virginia to enforce state laws therein; establishing the position of special natural resources police officers; establishing authority and limitations thereon of special natural resources police officers; and setting forth necessary qualifications of the special natural resources police officers.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Takubo:**

**Senate Bill 765**—A Bill to amend and reenact §15-2B-4 and §15-2B-6 of the Code of West Virginia, 1931, as amended, all relating to the collection of deoxyribonucleic acid data; declaring

the policy regarding deoxyribonucleic acid collection; designating a back-up provider to manage the deoxyribonucleic acid databank and database in the event of a statewide declared, public emergency, or natural disaster; and requiring the Chief Medical Examiner, or his or her designee to collect specified samples for inclusion into the state deoxyribonucleic acid databank.

Referred to the Committee on the Judiciary.

**By Senator Taylor:**

**Senate Bill 766**—A Bill to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended, relating to relieving a railroad company of any liability for injury to any person using a crossing during a parade by a school or any municipality, county, or other public entity that has permission for a parade; the railroad company is notified of the time of the parade, and a train is stopped during the time of the parade.

Referred to the Committee on the Judiciary.

**By Senator Barrett:**

**Senate Bill 767**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-1-1 and §31-1-2, all relating to describing retail franchise agreements; governing law; and competition restrictions.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 768**—A Bill to amend and reenact §49-6-110 of the Code of West Virginia, 1931, as amended, relating to the confidentiality of child welfare records; and providing exception for sharing confidential information with law-enforcement agencies and the National Center for Missing and Exploited Children.

Referred to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 769**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§30-3-21, relating to prohibiting certain medical practices; prohibiting medical providers from performing pelvic, prostate, rectal, and breast exams on an anesthetized or unconscious patient except in specified circumstances; and establishing an effective date.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 770**—A Bill to amend and reenact §19-12E-3, §19-12E-7, and §19-12E-11 of the Code of West Virginia, 1931, as amended, all relating to the Industrial Hemp Development Act; adding definitions for "establishment" and fluorescent lighting signage; legislative rules concerning false advertising and usage of fluorescent lighting signage; and penalties for violations.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 771**—A Bill to amend and reenact §7-5B-1 of the Code of West Virginia, 1931, as amended, relating to distribution of funds to counties with excess levy or dedicated fee.

Referred to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 772**—A Bill to amend and reenact §3-3-12 of the Code of West Virginia, 1931, as amended, relating to security measures for absentee voting.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 773**—A Bill to amend and reenact §15-10-5 of the Code of West Virginia, 1931, as amended, relating to expanding the powers of law-enforcement officers of the National Park Service, which shall include traffic or parking related offenses.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 774**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-19-1, §20-19-2, §20-19-3, §20-19-4, §20-19-5, §20-19-6, §20-19-7, and §20-19-8, all relating to the creation of the Mountain Bike Responsibility Act; stating a legislative purpose; defining terms; and providing for duties of trail system operators, mountain bicyclists, and passengers on aerial passenger tramways.

Referred to the Committee on Outdoor Recreation; and then to the Committee on the Judiciary.

Senator Tarr offered the following resolution:

**Senate Resolution 36**—Designating February 14, 2024, as Child Care Day at the Legislature.

Which, under the rules, lies over one day.

Senator Takubo offered the following resolution:

**Senate Resolution 37**—Designating February 14, 2024, as National Organ Donor Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 34**, Recognizing William Schwertfeger, decorated combat veteran of US Army, on his 100th birthday.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Thereafter, at the request of Senator Trump, and by unanimous consent, the remarks by Senator Weld regarding the adoption of Senate Resolution 34 were ordered printed in the Appendix to the Journal.

**Senate Resolution 35**, Recognizing 152nd anniversary of Glenville State University.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Stover, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Thereafter, at the request of Senator Trump, and by unanimous consent, the remarks by Senator Stover regarding the adoption of Senate Resolution 35 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 577**, Limiting landowner liability when land is used for certain purposes.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 577 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 577) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 578**, Clarifying offense of burglary.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 578) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 605**, Requiring electronic funds transfer of retirement contributions by participating employers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 605) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 606**, Relating to Natural Resources Police Officers Retirement System.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 606) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 607**, Clarifying Municipal Police Officers and Firefighters Retirement System surviving spouse benefits.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson,

Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 607) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 658**, Supplementing and amending appropriations to Department of Administration, Public Defender Services.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 658) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio,

Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 658) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 5153**, Relating to revising, updating and streamlining the requirements governing the West Virginia Science, Technology, Engineering, and Mathematics Scholarship.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 5153) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Com. Sub. for Senate Bill 321**, Limiting municipalities' authority to restrict purchase and storage of weapons and ammunition.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Com. Sub. for Senate Bill 352**, Modifying Unborn Child Protection Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 370**, Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 530**, Removing requirement for counties to draft and adopt zoning ordinances.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 544**, Raising threshold for bid requirement of municipal public works projects.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Jeffries, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 1, by striking out the article heading;

And,

On page 1, section 1, lines 1 through 111, by striking out section 1 in its entirety.

The bill (Com. Sub. for S. B. 544), as amended, was then ordered to engrossment and third reading.

**Senate Bill 551**, Modifying requirements related to levy of service fees.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 608**, Relating to Emergency Medical Services Retirement System.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Senate Bill 609**, Deputy Sheriff Retirement System Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Senate Bill 620**, Establishing WV Mothers and Babies Pregnancy Support Program.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 628**, Declaring certain claims as moral obligations of the state.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 629**, Requiring builders to follow State Building Code when local inspection and enforcement not provided.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 632**, Relating to Dangerousness Assessment Advisory Board multi-disciplinary study group.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 716**, Relating to child support.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Eng. House Bill 4976**, Providing the contact information of the Inspector General on the agencies and boards websites of the executive departments.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 5157**, Relating to contingent increase of tax rate on certain eligible acute care hospitals.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Rucker.

At the request of Senator Rucker, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the passing of Dale Manuel, a former member of the West Virginia House of Delegates and a former Jefferson County Commissioner.

The Senate then proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia  
Charleston

LEE CASSIS  
CLERK OF THE SENATE



SENATE CHAMBER, ROOM M 211  
1900 KANAWHA BOULEVARD, EAST  
CHARLESTON, WV 25305-0800  
304-357-7800

February 13, 2024

The Honorable Jim Justice, II  
Governor, State of West Virginia  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Governor Justice,

The following bill, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, has been examined and found truly enrolled:

**Com. Sub. for S. B. 300**, Relating to organization of Office of Inspector General.

This bill is presented to you on this day, February 13, 2024.

Respectfully submitted,

  
Lee Cassis  
Clerk of the Senate

C: The Honorable Stephen J. Harrison  
Clerk of the House of Delegates

LEE.CASSIS@WVSENATE.GOV

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 12, 2024:

**Senate Bill 206:** Senator Azinger;

**Senate Bill 375:** Senator Rucker;

**Senate Bill 443:** Senator Caputo;

**Senate Bill 515:** Senator Karnes;

**Senate Bill 517:** Senator Karnes;

**Senate Bill 519:** Senator Karnes;

**Senate Bill 520:** Senator Karnes;

**Senate Bill 556:** Senator Woodrum;

**Senate Bill 601:** Senators Hunt and Maynard;

**Senate Bill 613:** Senators Plymale and Nelson;

**Senate Bill 624:** Senator Takubo;

**Senate Bill 737:** Senator Karnes;

**Senate Bill 740:** Senator Karnes;

**Senate Bill 741:** Senator Karnes;

**Senate Bill 748:** Senators Chapman and Karnes;

**Senate Bill 749:** Senators Chapman, Taylor, Karnes, and Azinger;

**Senate Bill 750:** Senator Woelfel;

**Senate Bill 752:** Senator Deeds;

**Senate Bill 755:** Senator Woelfel;

**Senate Bill 756:** Senator Woelfel;

**Senate Bill 757:** Senator Deeds;

**Senate Bill 759:** Senators Karnes and Woelfel;

**Senate Joint Resolution 4:** Senator Smith;

**Senate Joint Resolution 7:** Senator Smith;

**Senate Resolution 34:** Senators Caputo, Karnes, and Chapman;

And,

**Senate Resolution 35:** Senators Hamilton, Caputo, Queen, Karnes, and Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:55 a.m., the Senate adjourned until tomorrow, Wednesday, February 14, 2024, at 11 a.m.

---

## WEDNESDAY, FEBRUARY 14, 2024

The Senate met at 11:10 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Very Reverend Donald X. Higgs, Basilica of the Co-Cathedral of the Sacred Heart, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert H. Plymale, a senator from the fifth district.

Pending the reading of the Journal of Tuesday, February 13, 2024,

At the request of Senator Chapman, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant Stefanie Davis, fiancée of the Honorable Michael J. Maroney, a senator from the second district; Dr. Ali Bowman; and Randall Reid-Smith, Curator of the Department of Arts, Culture, and History, privileges of the floor for the day.

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Senate Bill 171**, Prohibiting county commissions from adopting authorization that exceeds state law regarding agriculture operations.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 354**, Relating to the WV Advanced Energy and Economic Corridor Authority.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, section 5B-11-1, line 3 by striking the word "and" after "Mingo", and then inserting the words "and Wyoming" after the word "Wayne."

Then, on Page 2, striking the entirety of section 5B-11-2, beginning at line 1, and inserting the following as a new section 5B-11-2 in lieu thereof:

(a) The Advanced Energy and Economic Corridor Authority (authority) is hereby created as an independent body corporate. It shall consist of the following 15 members who are involved in economic, commercial, or industrial development in the geographic region of the authority:

(1) A representative of the economic development agency of McDowell County;

(2) A representative of the economic development agency of Mercer County;

(3) A representative of the economic development agency of Mingo County;

(4) A representative of the economic development agency of Wayne County;

(5) A representative of the economic development agency of Wyoming County;

(6) A representative of the Region 1 Planning and Development Council;

(7) A representative of the Region 2 Planning and Development Council; and

(8) The following seven members appointed by the Governor, or his or her designee:

(A) A representative from businesses and industries located in the state;

(B) An economic development representative from a utility company that provides service to the corridor region;

(C) Four private sector representatives from the technology, energy, advanced manufacturing, and aviation, aerospace or advanced air mobility sectors in the corridor region; and

(D) Two at-large members from regions and counties along the corridor who have knowledge and experience in local issues, economic development, and other areas of expertise.

(b) Each member shall serve a term of five years. Members may be reappointed to additional terms and, upon expiration of their respective terms, shall continue to serve until their successor has been appointed. The chair, vice-chair, and officers shall be selected annually by majority vote of the members. The chair shall schedule meetings and set the agenda for each meeting.

(c) A majority of members, in person or by real-time electronic communication, constitutes a quorum to conduct business at a meeting.

(d) If a member of the authority must recuse himself or herself because of a perceived or actual conflict of interest, a majority of the remaining members of the authority without a conflict shall be sufficient for the conduct of authority business.

(e) Members are not entitled to compensation for services performed as members.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 354, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 354) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended with its Senate amended title, to take effect from passage, of

**Eng. House Bill 4594**, Relating to extending managed care.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4782**—A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to limitations upon municipalities' power to restrict the sale and storage of weapons; declaring ordinances which restrict or prohibit certain sales of firearms, firearms accessories or components, and other lawful personal defense tools or products as void; restricting a municipality from using its planning or zoning powers solely to prohibit the sale of firearms, firearms accessories or components, or lawful personal defense tools or products other than firearms within a prescribed distance of any other type of commercial property or of school property or other educational property; providing remedies for violations; and clarifying that the amendment to the section shall be known as the Second Amendment Business Protection Act.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4786**—A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new article, designated §33-63-1, §33-63-2, §33-63-3, §33-63-4, §33-63-5, and §33-63-6, all relating to the Delivery Network Company Insurance Act; providing for definitions; defining interaction with other laws; providing for insurance requirements; providing for disclosures to Delivery Network Drivers; providing for exclusions in motor vehicle liability insurance policies; and creating an effective date.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4986**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-19e, relating to providing computer science and cybersecurity instruction for adult learners.

Referred to the Committee on Education; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

**Eng. Com. Sub. for House Bill 5045**, Related to the administration of the West Virginia Water Pollution Control Act, and Underground Carbon Dioxide Sequestration and Storage.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5161**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31D-1-132, relating to creating a digital wallet to collect and organize learning and employment records,

certifications, and censures on the Secretary of State's one-stop business portal; defining responsibilities for maintenance; and defining what types of information can be stored in the digital wallet.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5252**—A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating generally to service personnel class titles and definitions; providing minimum experience required for director or coordinator of services class title involving school transportation; and removing outdated class title and terms.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2024, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5261**—A Bill to amend and reenact §11-15-9u of the Code of West Virginia, 1931, as amended, relating to the definition of small arms for purposes of taxation; defining terms, and expanding definition of "small arms" to include receiver or frame as part of the small arm.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5267**—A Bill to amend and reenact §7-14D-13, §7-14D-18, §7-14D-19, and §7-14D-24a of the Code of West Virginia, 1931, as amended, all relating to the

Deputy Sheriff Retirement System; providing payment upon death of member with less than 10 years of contributory service; providing surviving spouse benefits when member dies from duty or non-duty related cause; and providing age calculation for a member who elected early retirement who then returned to work.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5268**—A Bill to amend and reenact §22-6A-4, §22-6A-5 and §22-6A-6 of the Code of West Virginia, 1931, as amended, all relating to the enhanced recovery of oil and natural gas in horizontal wells; providing definitions; providing certain methods of enhanced recovery to be part of horizontal drilling and horizontal wells; incorporating provisions related to the permitting of wells for certain purposes; and providing the authority of the secretary over enhanced recovery of oil and natural gas.

Referred to the Committee on Energy, Industry, and Mining.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5273**—A Bill to amend and reenact §16-5V-18, §16-5V-23, §16-5V-24 and §16-5V-35 of the Code of West Virginia, 1931, as amended, all relating to the Emergency Medical Services Retirement System; providing payment upon death of member with less than 10 years of contributory service; providing surviving spouse benefits when member dies from duty or non-duty related cause; and providing age calculation for a member who elected early retirement who then returned to work.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5286**—A Bill to amend and reenact §16-2D-17 of the Code of West Virginia, 1931, as amended, relating to eliminating the ability to sub-contract in the certificate of need process.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5287**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-1-71; and to amend and reenact §17C-14-9a of said code; all relating to traffic safety; creating a definition for the phrase maintenance vehicle; and listing additional categories of vehicles for which motorists shall slow down and, if possible, move over.

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5295**—A Bill to amend and reenact §8-12-26 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-7-2a, §60-7-8a, and §60-7-8g of said code, all relating to expressly authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders; providing that private outdoor designated areas may simultaneously host multiple qualified permit holders; providing that the dual licensing of private fairs and festivals simultaneous to other qualified permit holders is permissible; defining a term; providing that any Class A, Class B, or Class S2 license holder that has received a Class S4 license can operate as a qualified permit

holder within a private outdoor designated area; providing that qualified permit holders within a private outdoor designated area do not share liability or responsibility; removing a provision requiring qualified permit holders to execute an agreement stating that all qualified permit holders are jointly and severally liable for any improper acts or conduct; providing that the holder of a Class A, Class B, or Class S2 license is eligible to be a qualified permit holder subject to the private outdoor designated area hours of operation and not to private club hours of operation; providing that the holder of a Class A, Class B, or Class S2 license is eligible to be a qualified permit holder without meeting and being subject to all private club license type requirements; providing that the commissioner shall enforce certain code violations by qualified permit holders against their permit and their Class A, Class B, or Class S2 license.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5343**—A Bill to amend and reenact §30-20-4 of the Code of West Virginia, 1931, as amended, relating to adding an athletic trainer to the Board of Physical Therapy.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 24**—Requesting a study of the school aid formula and how school aid funds are currently distributed.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 71**—Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 292**, Hunger-Free Campus Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 292** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-22-1, §18B-22-2, §18B-22-3, and §18B-22-4, all relating to creating the Hunger-Free Campus Act; providing for a short title; establishing the Hunger-Free Grant Program; providing for a legislative purpose; providing qualifications for a campus to be designated as hunger-free campus; requiring, subject to the availability of funding, Chancellor of the Higher Education Policy Commission to allocate grant funding to each institution designated as a hunger-free campus; and requiring a report to the Governor and Legislature no later than two years after the establishment of the program.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Education.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 395**, Relating to valuation of industrial property and natural resources by Tax Commissioner.

**Com. Sub. for Senate Bill 444**, Relating to health insurance coverage for certain emergency services.

And,

**Com. Sub. for Senate Bill 669**, Relating to county economic opportunity development districts.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, Committee Substitute for Senate Bills 444 and 669 contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 493**, Relating to use of criminal records as disqualification from authorization to practice particular profession.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 493** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17A-6-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-2C-5b of said code; to amend and reenact §19-23-8 of said code; to amend and reenact §21-1-6 of said code; to amend and reenact §21-5-5c of said code; to amend and reenact §21-14-6 of said code; to amend and reenact §21-16-7 of said code; to amend and reenact §29-3B-4 of said code; to amend and reenact §29-3C-4 of said code; to amend and reenact §29-3D-6 of said code; to amend and reenact §30-1-24 of said code; to amend and reenact §30-5-9 and §30-5-11a of said code; to amend and reenact §30-6-8 and §30-6-17 of said code; to amend and reenact §30-20-8a of said code; to amend and reenact §30-32-10a of said code; to amend and reenact §30-36-10 of said code; to amend and reenact §31-17A-5 of said code; to amend and reenact §32A-2-8 of said code; and to amend and reenact §33-13C-3 and §33-13C-4 of said code, all relating generally to the use of criminal records as disqualification from initial licensure or other authorization to practice a profession or occupation; prohibiting licensing authorities from disqualifying an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that directly and specifically relates to the activity requiring licensure such that granting the applicant licensure would pose a direct and substantial risk to the public because the applicant has not been rehabilitated; providing factors for a licensing authority to determine whether a criminal conviction directly and specifically relates to a profession or occupation; clarifying that a licensing authority may not disqualify an applicant from initial licensure because of a prior criminal conviction if certain criteria are met; prohibiting consideration of good moral character or crimes of moral turpitude as a basis for disqualifying applicant for initial licensure; authorizing an individual with a criminal record who has not previously held a license from the licensing authority to petition the authority for a

determination of whether the individual's criminal record will disqualify the individual from obtaining a license; clarifying that these requirements do not apply to discipline of licensees or reinstatement of a license following discipline; prohibiting a licensing authority from considering, or from requiring, an individual to disclose an arrest not followed by conviction in an application for initial licensure or determination of qualification for license; and requiring licensing authorities to update licensure forms, relevant public-facing documents, and website.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 493) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 515**, Prohibiting public schools from requiring students to participate in sexual orientation instruction.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

**Senate Bill 562**, Expanding employment and training requirements necessary for SNAP benefits.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 562** (originating in the Committee on the Workforce)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §9-8-2a and §9-8-2b, all relating to expanding the current mandatory employment and training requirements necessary to receive Supplemental Nutrition Assistance Program benefits; defining and developing exemptions; clarifying the secretary's duties when there is a lack of funding or inability to provide employment and training; identifying when assignments to the employment and training program may not be suspended; evaluating the current voluntary employment and training program requirements necessary to receive Supplemental Nutrition Assistance Program benefits; requiring the department to define and develop reporting systems; and reporting on and measuring expectations of the employment and training program.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Rollan A. Roberts,  
*Chair.*

At the request of Senator Roberts, unanimous consent being granted, the bill (Com. Sub. for S. B. 562) contained in the foregoing report from the Committee on the Workforce was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 602**, Cardiac Emergency Response Plan Act.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Education.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

At the request of Senator Grady, as chair of the Committee on Education, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Health and Human Resources.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 610**, Clarifying authority of Water Development Authority in certain circumstances.

**Senate Bill 635**, Modifying rules regarding liquidation of property.

And,

**Senate Bill 687**, Clarifying Legislative Auditor's scope of authority.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (S. B. 610, 635, and 687) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 615**, Limiting statutory and common law actions for certain electric generating facilities.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 615) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 631**, Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 631** (originating in the Committee on Government Organization)—A Bill to amend and reenact §16-13-16 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-13A-9 of said code; and to amend and reenact §24-3-10 of said code, all relating to prohibiting utilities from shutting off a user's water service for nonpayment of stormwater fees; prohibiting municipal utilities from discontinuing water service to user delinquent in stormwater services fees and charges but allowing lien on premises served; prohibiting public service districts from discontinuing water service to user delinquent in stormwater service fees and charges but imposing lien on premises served; and prohibiting privately or publicly owned utility from discontinuing water service, or contracting with other utilities to discontinue water service, for delinquency in stormwater services fees and charges but allowing lien on premises served.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 631) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 668**, Increasing amount of certain controlled substances persons may purchase annually.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 668** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §60A-10-4 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of ephedrine, pseudoephedrine, or phenylpropanolamine a person may purchase annually.

And,

**Senate Bill 714**, Transferring duties and licensing from Board of Osteopathic Medicine to Board of Medicine.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 714** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-1D-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-3-1, §30-3-2, §30-3-4, §30-3-5, §30-3-6, §30-3-7, §30-3-8, §30-3-9, §30-3-10, §30-3-11, §30-3-11a, §30-3-12, §30-3-13, §30-3-13a, §30-3-15, §30-3-16, §30-3-17, and §30-3-18 of said code; to amend said code by adding thereto three new sections, designated §30-3-10b, §30-3-21, and §30-3-22; to repeal §30-3-7a, §30-3-11b, and §30-3-11c of said code; to amend said code by adding thereto a new article, designated §30-3G-1, §30-3G-2, §30-3G-3, §30-3G-4, §30-3G-5, §30-3G-6, §30-3G-7, §30-3G-8, §30-3G-9, §30-3G-10, §30-3G-11, and §30-3G-12; to amend and reenact §30-14-3 of said code; and to amend said code by adding thereto two new sections, designated §30-14-18 and §30-14-19, all relating to the licensing of physicians and the transition of the duties and functions of the West Virginia Board of Osteopathic Medicine to the West Virginia Board of Medicine effective January 1, 2025; providing for rulemaking; and expanding board authority to regulate genetic counselors.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 668 and 714) contained in the preceding report from the Committee on Health and Human Resources were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 732**, Requiring cooperation between law-enforcement agencies and military authorities.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 732) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

**Eng. House Bill 4292**, Providing for enhanced damages for non-payment of royalties due from oil, natural gas, or natural gas liquids production.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Randy E. Smith,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Energy, Industry, and Mining pending.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. Com. Sub. for House Bill 4756**, Creating a state Alzheimer's plan task force.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. House Bill 4832**, Relating to state superintendent's reports regarding the finances of school districts.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

**Eng. House Bill 5006**, Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Randy E. Smith,  
*Chair.*

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced and read by their titles:

**By Senator Weld:**

**Senate Bill 775**—A Bill to amend and reenact §36-3-5 of the Code of West Virginia, 1931, as amended, relating to modifying the form of deeds.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 776**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-

3-7; and to amend and reenact §16-9G-1 of said code, all relating to a Medicaid state plan amendment; providing that the Bureau for Medical Services shall seek a state plan amendment; providing that the state plan amendment provide for cost sharing and/or premiums for certain populations; allowing that the state plan amendment may provide for a demonstration project; and providing for an effective date.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 777**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-17-1, §61-17-2, §61-17-3, §61-17-4, §61-17-5, §61-17-6, §61-17-7, §61-17-8, and §61-17-9, all relating to prohibitions on the illegal entry into, or illegal presence in, this state by a person who is an alien; providing for enforcement of prohibitions and certain related orders, including immunity from liability and indemnification for enforcement actions; authorizing, or requiring under certain circumstances, the removal of persons who violate those prohibitions; and creating criminal offenses.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 778**—A Bill to amend and reenact §61-11-18 of the Code of West Virginia, 1931, as amended, relating to qualifying offenses for the purpose of enhancing the sentence of a repeat offender.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 779**—A Bill to amend and reenact §61-12-10 of the Code of West Virginia, 1931, as amended, relating to postmortem examinations.

Referred to the Committee on Health and Human Resources.

**By Senator Weld:**

**Senate Bill 780**—A Bill to amend and reenact §61-8D-1, §61-8D-2, §61-8D-2a, §61-8D-3, §61-8D-3a, §61-8D-4, and §61-8D-4a of the Code of West Virginia, 1931, as amended, all relating to murder of a child; death of a child; child abuse resulting in injury; child abuse creating risk of injury; female genital mutilation; child neglect resulting in injury; child neglect creating risk of injury; and child neglect resulting in death.

Referred to the Committee on the Judiciary.

**By Senators Swope and Jeffries:**

**Senate Bill 781**—A Bill to amend and reenact §5B-2-14 of the Code of West Virginia, 1931, as amended, relating to increasing local economic development matching grants.

Referred to the Committee on Economic Development.

**By Senators Swope and Jeffries:**

**Senate Bill 782**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8A-13-1, §8A-13-2, §8A-13-3, and §8A-13-4, all relating to local permitting deadlines and extensions for applications for a permit, license, variance, or any other type of prior approval from a governing body or planning commission of a municipality or county for an action related to the development or improvement of property.

Referred to the Committee on Economic Development.

**By Senators Jeffries and Swope:**

**Senate Bill 783**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-9H-1, §18-9H-2, §18-9H-3, §18-9H-4, §18-9H-5, §18-9H-6, §18-9H-7, §18-9H-8, §18-9H-9, §18-9H-10, §18-9H-11, §18-9H-12, §18-9H-13, and §18-9H-14, all relating to enacting the West Virginia School Construction Alternatives Pilot Program Act; defining terms; authorizing county boards to engage in construction management at risk contracts in accordance with the delivery system provided herein; providing definitions; requiring

county boards to adopt policies and procedures before entering into a construction management at risk contract; requiring county boards that request to utilize the construction management at risk delivery method to provide notice to the authority during the regular needs cycle process; requiring county boards to issue letters of interest for proposals; establishing the criteria a request for proposal must contain; providing standards and criteria for the evaluation of proposals; requiring county boards to create a proposal selection committee; establishing the required members of a proposal selection committee; providing evaluation criteria and weight the proposal selection committee must give to aspects of proposals; authorizing county boards to amend contracts after acceptance; limiting the number of construction management at risk contracts which may be entered into by county boards; providing certain exceptions for special maintenance projects; and providing for a sunset date.

Referred to the Committee on Education.

**By Senators Stuart and Hunt:**

**Senate Bill 784**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-1-9a, relating to authorizing the West Virginia Department of Homeland Security to assist with border security in the state of Texas.

Referred to the Committee on Finance.

**By Senators Rucker, Chapman, Deeds, Grady, and Takubo:**

**Senate Bill 785**—A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended, relating to adding the Foster Care Ombudsman as a person to have access to records concerning a child or juvenile.

Referred to the Committee on Health and Human Resources.

**By Senator Rucker:**

**Senate Bill 786**—A Bill to amend and reenact §30-37-13 of the Code of West Virginia, 1931, as amended; and amending said

code by adding thereto a new section, designated §30-37-14, all relating to massage therapy establishments; modifying implementation dates; establishing reasonable cause for inspection; providing authority for the board to issue emergency orders halting operations for violations of establishment regulations; describing posting of emergency orders; requiring summary and written notice; proscribing prohibitions of sanctioned establishments; and providing penalties for certain violations.

Referred to the Committee on the Judiciary.

**By Senators Hunt, Chapman, Stuart, and Woelfel:**

**Senate Bill 787**—A Bill to amend and reenact §16-29-2 of the Code of West Virginia, 1931, as amended, relating to establishing a limit for fees charged for medical records.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 788**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-32, relating to prioritizing providing medical services to West Virginia Medicaid beneficiaries within West Virginia.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 789**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-34, relating to Medicaid; adding requirement that Medicaid submit certain waivers and plan amendments over \$3 million through the legislative rulemaking process; and requiring Medicaid to study and provide reports to the Legislature regarding the costs of the program and recommendations to contain costs.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 790**—A Bill to amend and reenact §29-1-1 of the Code of West Virginia, 1931, as amended, relating to changing

reference from the Curator of the Department of Arts, Culture, and History to the Secretary of the Department of Arts, Culture, and History.

At the request of Senator Phillips, unanimous consent being granted, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Phillips, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Senate Bill 790 was then read a third time and put upon its passage.

Pending discussion,

(Senator Weld in the Chair.)

Pending discussion,

(Senator Blair, Mr. President, in the Chair.)

The question being "Shall Engrossed Senate Bill 790 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton,

Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 790) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 790) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Takubo, Plymale, Smith, Woelfel, Trump, Maroney, Grady, Phillips, Woodrum, and Blair (Mr. President) as to the passage of Engrossed Senate Bill 790 were ordered printed in the Appendix to the Journal.

**By Senator Tarr:**

**Senate Bill 791**—A Bill to amend and reenact §9-4-3 of the Code of West Virginia, 1931, as amended, relating to modifying

the membership requirements of the Medical Services Fund Advisory Council; augmenting its purpose; requiring that it employ an actuary; requiring certain actions from the Commissioner for the Bureau for Medical Services; and addressing the six-year plan to mitigate long-term financial liabilities.

Referred to the Committee on Finance.

**By Senator Chapman:**

**Senate Bill 792**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-14, relating to Medicaid coverage for postpartum health care.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Maroney:**

**Senate Bill 793**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-34, relating to requiring contract terms for managed care contracts with the Bureau for Medical Services; requiring a single Dental Contractor for benefit management; describing contract changes; and setting an effective date.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

Senator Stuart offered the following resolution:

**Senate Concurrent Resolution 28**—Directing the Secretary of State remove President Joseph R. Biden, Jr. from the primary and general election ballot in this state as an eligible candidate for the office of President of the United States in 2024.

Which, under the rules, lies over one day.

Senator Jeffries offered the following resolution:

**Senate Resolution 38**—Recognizing the value of, and supporting, small town and Main Street development in West Virginia.

Which, under the rules, lies over one day.

Senators Jeffries and Hunt offered the following resolution:

**Senate Resolution 39**—Designating February 15, 2024, as West Virginia State University Day at the Legislature.

Which, under the rules, lies over one day.

Senator Nelson offered the following resolution:

**Senate Resolution 40**—Designating February 15, 2024, as Angelman Syndrome Awareness Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Com. Sub. for Senate Concurrent Resolution 4**, U.S. Army 2LT Eston Kuhn Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Concurrent Resolution 21**, US Army MSG James E. Jackson Jr. Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Com. Sub. for Senate Concurrent Resolution 22**, USMC Major Cornelius Burdette Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Concurrent Resolution 23**, US Navy LT Lewis Joseph D'Antoni Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Concurrent Resolution 25**, US Army SGT Wyatt K. Hinton Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Com. Sub. for Senate Concurrent Resolution 26**, U.S. Army Private Clarence William "Buck" Holliday Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Senate Resolution 36**, Recognizing February 14, 2024, as Child Care Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Tarr, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

**Senate Resolution 37**, Designating February 14, 2024, as National Organ Donor Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Takubo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 37) adopted.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 352**, Modifying Unborn Child Protection Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 352 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: Caputo—1.

Absent: Woelfel—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 352) passed.

On motion of Senator Maroney, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for Senate Bill 352**—A Bill to amend and reenact §16-2R-3 and §16-2R-8 of the Code of West Virginia, 1931, as amended, all relating to requiring informed consent prior to performing an abortion; setting forth standards required for informed consent; requiring patient to be informed of medical risks; requiring patient to be informed of medical risks of carrying child to term; requiring patient to be informed of ability to view

and ultrasound; requiring patient to be informed of the probable gestational age; requiring patient to be informed that perinatal hospice services are available; requiring patient to be informed of risks associated with chemical abortion; requiring the Department of Health to place certain information on its website; and making technical changes.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 370**, Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 370) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 370) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 530**, Removing requirement for counties to draft and adopt zoning ordinances.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 530) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 544**, Raising threshold for bid requirement of municipal public works projects.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Stuart—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 544) passed.

On motion of Senator Jeffries, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for Senate Bill 544**—A Bill to amend and reenact §8-16-1 and §8-16-5 of the Code of West Virginia, 1931, as amended, all relating to clarifying the definition of "municipal public works" or "works"; and raising the threshold from \$25,000 to \$50,000 for requirement of bids for municipal public works projects.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 551**, Modifying requirements related to levy of service fees.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 551 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith,

Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 551) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 620**, Establishing WV Mothers and Babies Pregnancy Support Program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Caputo—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 620) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 628**, Declaring certain claims as moral obligations of the state.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 628) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 628) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 629**, Requiring builders to follow State Building Code when local inspection and enforcement not provided.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 629) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 632**, Relating to Dangerousness Assessment Advisory Board multi-disciplinary study group.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 632) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 632) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 716**, Relating to child support.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 716) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 4976**, Providing the contact information of the Inspector General on the agencies and boards websites of the executive departments.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4976) passed.

At the request of Senator Woodrum, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the title of the bill was withdrawn.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. Com. Sub. for House Bill 5157**, Relating to contingent increase of tax rate on certain eligible acute care hospitals.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 5157 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5157) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5157) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Com. Sub. for Senate Bill 321**, Limiting municipalities' authority to restrict purchase and storage of weapons and ammunition.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was rereferred to the Committee on Rules.

**Com. Sub. for Senate Bill 608**, Relating to Emergency Medical Services Retirement System.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Senate Bill 609**, Deputy Sheriff Retirement System Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Senate Bill 613**, WV Residential Mortgage Lender, Broker and Servicer Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 622**, Changing time period of voting inactivity for removal from voter registration.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 623**, Requiring DMV to provide images of certain individuals to Secretary of State for voter identification purposes.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 624**, Cancelling voter registration records for individuals no longer WV residents.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Eng. House Bill 5019**, Relating to surrender and return of license not required for disqualifying or downgrading a driver's license.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 375**, Health Care Sharing Ministries Freedom to Share Act.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Takubo and Phillips.

The Senate next proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia  
Charleston

LEE CASSIS  
Clerk of the Senate



SENATE CHAMBER, ROOM M-211  
1900 KANAWHA BOULEVARD, EAST  
CHARLESTON, WV 25305-4004  
(304) 537-7801

February 14, 2024

The Honorable Jim Justice, II  
Governor, State of West Virginia  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, have been examined and found truly enrolled:

**Com. Sub. for S. B. 318**, Modifying process of when parental rights are terminated;

**S. B. 428**, Establishing appeals from administrative rulings are to be filed with Intermediate Court of Appeals;

**And,**

**S. B. 543**, Relating to research and economic development agreements for state institutions of higher education.

These bills are presented to you on this day, February 14, 2024.

Respectfully submitted,

  
Lee Cassis  
Clerk of the Senate

C: The Honorable Stephen J. Harrison  
Clerk of the House of Delegates

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 13, 2024:

**Senate Bill 292:** Senator Plymale;

**Senate Bill 294:** Senator Plymale;

**Senate Bill 515:** Senators Maynard, Azinger, and Woodrum;

**Senate Bill 556:** Senator Woelfel;

**Senate Bill 687:** Senator Barrett;

**Senate Bill 693:** Senator Phillips;

**Senate Bill 728:** Senator Nelson;

**Senate Bill 736:** Senator Woelfel;

**Senate Bill 741:** Senator Stuart;

**Senate Bill 763:** Senator Deeds;

**Senate Bill 764:** Senator Deeds;

**Senate Bill 765:** Senators Deeds, Plymale, and Woelfel;

**Senate Bill 768:** Senators Woelfel and Deeds;

**Senate Bill 771:** Senator Plymale;

**Senate Bill 772:** Senator Rucker;

**Senate Resolution 36:** Senators Rucker, Chapman, Caputo, and Plymale;

And,

**Senate Resolution 37:** Senators Caputo and Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:44 p.m., the Senate adjourned until tomorrow, Thursday, February 15, 2024, at 11 a.m.

---

## THURSDAY, FEBRUARY 15, 2024

The Senate met at 11:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Dr. Jesse Waggoner, Senior Pastor, Mount Calvary Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mark Hunt, a senator from the eighth district.

Pending the reading of the Journal of Wednesday, February 14, 2024,

At the request of Senator Stover, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4086**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee and as amended by Legislature; authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations – licensing; authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations - logger certification; authorizing the Division of Labor to promulgate a

legislative rule relating to minimum wage, maximum hours, and overtime compensation; authorizing the Division of Labor to promulgate a legislative rule relating to licensing of elevator mechanics, accessibility technicians, and limited technicians and registration of elevator mechanic apprentices; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to safety provisions for clearing crews; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to protective clothing and equipment; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to reporting requirements for independent contractors; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to assessing health and safety violation penalties; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to the application process for the West Virginia Innovative Mine Safety Technology Tax Credit Act; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to the program for the sharing of information between employers; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to substance abuse screening, standards and procedures; authorizing the Miners' Health, Safety and Training to promulgate a legislative rule relating to operating diesel equipment in underground mines in West Virginia; authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing and other outfitters and guides; authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters; authorizing the Division of Natural Resources to promulgate a legislative rule relating to revocation of hunting and fishing licenses; authorizing the Division of Natural Resources to promulgate a legislative rule relating to Cabwaylingo State Forest Trail System two-year pilot project permitting ATVs and ORVs; authorizing the Division of Natural Resources to promulgate a legislative rule relating to lifetime hunting, trapping, and fishing licenses; and authorizing the Public Energy Authority to promulgate a legislative rule relating to petitioning the Public Energy Authority for approval of

decommissioning or deconstruction activities related to any coal, oil, or natural gas fueled power plant.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4951**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §18-10R-1, relating to the Interstate Compact for School Psychologists; stating purpose; definitions; providing for state participation in compact; providing for discipline; establishment of school psychologist interstate licensure compact commission; facilitating information exchange; and providing an effective date, withdrawal, and amendments.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5002**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, relating to requiring that public rest areas provide diaper changing stations in both male and female restrooms.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5243**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, and §16-67-5, all relating to the Women's Bill of Rights; providing

short title; setting forth purpose; establishing application of act; defining terms and applications of those definitions; defining sex discrimination in state policies, programs, or statutes; establishing the state interest in certain single sex environments; creating parameters for certain data collection; and allowing severability; and to amend and reenact §61-8B-1 of said code, relating to sexual offenses; and amending the definition of sexual contact.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5262**—A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; to amend and reenact §18-20-1c of said code; to amend said code by adding thereto a new section, designated §18-20-12; to amend and reenact §18A-1-1 of said code; to amend and reenact §18A-2-2 of said code; to amend said code by adding thereto a new article, designated §18A-2A-1; and to amend and reenact §18A-5-1 and §18A-5-1c of said code; all relating generally to the rights of school counselors, special education teachers, and teachers; defining the duties of counselors; ensuring that counselors are provided with the same classification as professional educators to be consistent with the code; clarifying data to be provided; ensuring that school counselors are afforded the protections of teachers as set forth in the Teachers Bill of Rights; defining the special education student to instructor ratio, a waiver process, and compensation given to a teacher when the ratio is exceeded; ensuring that special education teachers are afforded the protections of teachers as set forth in the Teachers Bill of Rights; providing for the creation of a Teachers Bill of Rights Educational Doctrine; providing for supplemental duty calendar provisions; and clarifying the process for the removal of students.

Referred to the Committee on Education; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5317**—A Bill to amend and reenact §17C-16-4 of the Code of West Virginia, 1931, as amended, revising the statute to make it permissive for commercial motor vehicles registered in this state subject to the federal motor carrier safety administration rules and regulations to pass an annual inspection of all safety equipment to be consistent with the federal motor carrier safety regulations; providing for a schedule of and payment of appropriate fees; and adding a definition for the term "Commercial motor vehicle."

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5326**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-38B-1, §30-38B-2, §30-38B-3, §30-38B-4, §30-38B-5, §30-38B-6, §30-38B-7, and §30-38B-8, all relating to providing for the prohibition of real estate service agreements that are unfair to an owner of residential real estate; prohibiting the recording of such agreements so that the public records will not be clouded by them; providing that recording, causing to be recorded, an unfair real estate service agreements is a misdemeanor and creates penalties of confinement in jail for a term not to exceed 6 months and fined \$25,000; providing an exception to the misdemeanor offense for employees of the county commissioners, employees of the county commission, county clerk, deputy county clerk, and employees of the county clerk acting within the scope of their employment; and providing for remedies.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 574**, Supplemental appropriation to DOT, Division of Highways.

**Senate Bill 696**, Supplementing and amending appropriations to Department of Homeland Security, Division of Emergency Management.

**Senate Bill 700**, Supplementing and amending appropriations to Miscellaneous Boards and Commissions, Hospital Finance Authority.

**Senate Bill 701**, Supplementing and amending appropriations to Department of Education, School Construction Fund.

**Senate Bill 703**, Supplementing and amending appropriations to Department of Homeland Security, WV State Police.

**Senate Bill 707**, Supplementing and amending appropriations to Department of Commerce, Division of Natural Resources.

**Senate Bill 708**, Supplementing and amending appropriations to Department of Agriculture, WV Spay Neuter Assistance Fund.

**Senate Bill 709**, Supplementing and amending appropriations to Department of Arts, Culture and History, National Coal Heritage Area Authority.

And,

**Senate Bill 710**, Supplementing and amending appropriations to State Board of Education, Aid for Exceptional Children.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 637**, Prohibiting public disclosure of personal information on internet.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 637** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-8-25, relating to a state or local government official removing publicly available personal information on the internet in certain circumstances; and defining terms.

**Senate Bill 740**, Prohibiting digital manipulation of sexually explicit content to include minors.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 740** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8C-2a, relating to the filming of minors engaged in sexually explicit conduct; creating a new criminal offense of manipulating a photograph, image, video clip, movie, or similar recording containing sexually explicit conduct by the insertion thereof of a visual image of an actual minor so as to create the appearance that it is a minor engaged in the sexually explicit conduct; defining terms; clarifying that the offense is separate and distinct from any other offense; and establishing criminal penalties.

And,

**Senate Bill 741**, Prohibiting creation, production, distribution or possession of artificially generated child pornography.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 741** (originating in the Committee on the Judiciary)—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8C-12, relating to creating the criminal offenses of creating, producing, distributing, or possessing with intent to distribute, artificial intelligence-created visual depictions of child pornography when no actual minor is depicted; setting forth findings; defining terms; clarifying that the visual depiction of a minor need not be of an actual person; and establishing criminal penalties.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 649**, Clarifying per diem compensation for certain judges recalled to service.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 649** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-9-10 of said code, all relating to clarifying per diem compensation and reimbursable expenses for senior justices and judges of the intermediate, circuit and family courts recalled into service.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on the Judiciary.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Senate Bill 670**, Reallocating portion of fire insurance and casualty premium tax to Municipal Pensions Security Fund in certain circumstances.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 670** (originating in the Committee on Pensions)—A Bill to amend and reenact §33-3-14d of the Code of West Virginia, 1931, as amended, relating to distributions from funds collected from a premium tax on fire insurance and casualty insurance policies; clarifying requirements of distributions from funds collected from a premium tax on fire insurance and casualty policies; directing that ten percent of funds collected from a premium tax on fire insurance and casualty insurance policies currently paid to the Teachers Retirement System be deposited in the Municipal Pensions Security Fund; clarifying distributions by the Municipal Pensions Oversight Board to municipal policemen's and firemen's pension and relief funds in certain circumstances; and decreasing the time in which a municipal policeman's or fireman's pension and relief funds may fail to comply with investment provisions before it may be required to invest with the

state Investment Management Board in order to continue to receive funds from a premium tax on fire insurance and casualty insurance policies.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Eric Nelson, Jr.,  
*Chair.*

The bill (Com. Sub. for S. B. 670), under the original double committee reference, was then referred to the Committee on Finance.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 688**, Authorizing director of Division of Forestry to contract and manage forest land.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 688** (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-3-4a, relating to authorizing the Director of the Division of Forestry and the Director of the Division of Natural Resources to contract for the management of state-owned and -leased forests and wooded lands for purposes of preventing forest fires; providing for procedures and requirements to enter into land management contract; establishing competitive bidding process; providing for proceeds from contracts to be paid to treasurer and credited to the appropriate division for certain purposes; and authorizing either director to directly award a contract under

certain circumstances when necessary for an economic development project.

And,

**Senate Bill 690**, Establishing WV Agritourism Commission.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 690** (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-36-6, relating to creating a commission on West Virginia Agritourism; providing for membership, appointment, and term lengths; clarifying members receive no compensation or reimbursement for expenses; providing for powers and duties; and requiring report to Legislature and Governor.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Glenn D. Jeffries,  
*Chair.*

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

**Senate Bill 752**, Authorizing Department of Agriculture to complete certain land transfers.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Bill Hamilton,  
*Chair.*

Senator Rucker, from the Committee on School Choice, submitted the following report, which was received:

Your Committee on School Choice has had under consideration

**Senate Bill 761**, Providing greater access to unused buildings for public charter schools.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Education.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Education.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills and joint resolution were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Deeds:**

**Senate Bill 794**—A Bill to amend and reenact §61-2-3 of the Code of West Virginia, 1931, as amended, relating to parole eligibility for the crime of murder in the second degree.

Referred to the Committee on the Judiciary.

**By Senator Nelson:**

**Senate Bill 795**—A Bill to amend and reenact §55-7H-2, §55-7H-3, and §55-7H-4 of the Code of West Virginia, 1931, as

amended, all relating to limiting liability for accredited academic hospitals to only the amount of insurance covered by State Board of Risk and Insurance Management, to provide medical professional liability insurance to accredited academic hospitals, and providing updated definitions.

Referred to the Committee on Banking and Insurance.

**By Senator Takubo:**

**Senate Bill 796**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §9-5-34, relating to West Virginia Bureau for Medical Services giving preference to in-state providers of medical services; providing for exceptions; requiring policy to be implemented by specific date; requiring interim report to be submitted to the Legislative Oversight Commission on Health and Human Resources Accountability; and requiring a final report to be submitted to the Legislative Oversight Commission on Health and Human Resources Accountability by a specific date.

Referred to the Committee on Health and Human Resources.

**By Senator Deeds:**

**Senate Bill 797**—A Bill to amend and reenact §57-3-3 of the Code of West Virginia, 1931, as amended, relating to the testimony of spouses in a criminal case.

Referred to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Bill 798**—A Bill to amend and reenact §24-1-1 and §24-2H-8, of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-15A-9 of said code; all relating to the Distressed Utilities Account and to utilities being required to hold at least 1/8 capital reserve to be eligible to request additional state funding.

Referred to the Committee on Economic Development.

**By Senator Weld:**

**Senate Bill 799**—A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended, relating to modifying the parole eligibility for a person serving a sentence for first degree murder.

Referred to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 800**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-9h, relating to water quality affecting residents of the state; establishing findings; requiring Department of Health evaluate whether public water sources contain levels of contaminants making them unsafe; providing water filtration equipment or technology to residents whose water is deemed unsafe; and providing for rulemaking.

Referred to the Committee on Finance.

**By Senators Phillips, Smith, and Tarr:**

**Senate Bill 801**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, §11-29-5, and §11-29-6, establishing a tax on the production of electricity from wind and solar collection, setting the rate of the tax, and providing collection procedures, establishing how to distribute the collected taxes to volunteer fire departments through the counties, listing requirements to qualify to receive funds from these collected taxes, providing for enforcement and penalties, listing exemptions, and establishing fines and accumulation of interest on late payment.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senators Hamilton, Caputo, Deeds, Hunt, Jeffries, Karnes, Martin, Plymale, Stover, and Swope:**

**Senate Bill 802**—A Bill to amend and reenact §46A-6A-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-11F-8 of said code, all relating to Consumer

Protection—New Motor Vehicle Warranties and the Farm Equipment Dealer Contract Act; including in the definition of "motor vehicle" a self-propelled vehicle designed primarily for, and used in, the occupation or business of farming, with a horsepower unit of 20 or greater; and the right to bring an action for breach of warranty involving a self-propelled vehicle designed primarily for, and used in, farming.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Woodrum:**

**Senate Bill 803**—A Bill to amend and reenact §11-4-3 of the Code of West Virginia, 1931, as amended, relating to assessment of real property; providing that real property occupied by an immediate family member or former spouse of the owner exclusively for residential purposes be included in class two for assessment and taxation purposes; and further defining "immediate family member".

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 804**—A Bill to amend and reenact §20-7-1b of the Code of West Virginia, 1931, as amended, relating to clarifying that the Director of the Division of Natural Resources has replaced the designation of the Department of Natural Resources to enter into written agreements with federal agencies in the state with law-enforcement duties on and in federal lands located within the boundaries of West Virginia to enforce state laws therein.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Maroney:**

**Senate Bill 805**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29a; and to amend said code by adding thereto a new section, designated §16-5Y-12a, all relating to residential substance use disorder treatment facilities; prohibiting payment to facilities that

do not meet certain requirements; and establishing requirements regarding the health care authority's ability to issue a certificate of need, or allowance of an exemption, for the addition of treatment facility beds in a certain county.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 806**—A Bill to amend and reenact §18-2-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5B-7 of said code; to repeal §18-5F-6 of said code; to repeal §18-9A-7a of said code; to repeal §18-9F-8 of said code; and to amend and reenact §18A-3C-3 of said code, all relating to the Legislative Oversight Commission on Education Accountability; removing required submission of plan to implement and update computer science instruction and learning standards in the public schools; removing required submission of annual report on innovation zones and the progress of innovation zone plans; removing required report on all aspects of the program at the end of the first year a virtual instruction program is implemented; removing required report on proposed revisions to the calculation of the allowance for service personnel to provide additional funded service personnel positions for lower-population density districts covering a large geographic areas; removing required report regarding implementation of school access safety and crisis response article; and removing requirement for review of the progress of the implementation of the comprehensive systems of support for teacher and leader induction and professional growth.

Referred to the Committee on Education.

**By Senator Woodrum:**

**Senate Bill 807**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-10-1, §12-10-2, §12-10-3, §12-10-4, §12-10-5, §12-10-6, and §12-10-7, all relating to the creation of the West Virginia Precious Metals Reserve and Tax Payment Act; establishing the purpose and intent; providing definitions; creating the establishment of the precious metals reserve; providing for tax payments of precious

metals; providing for funding and management; creating oversight and auditing; and creating implementation.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 808**—A Bill to amend and reenact §5B-2-3b of the Code of West Virginia, 1931, as amended, relating to the Economic Development Promotion and Closing Fund; and providing a one-time allocation of \$100,000 to the Flatwater Trail Commission to be used for travel expenses and promotion of flat water trails in West Virginia, subject to availability of funds.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 809**—A Bill to repeal §7-1-3qq of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17-2-3, all relating to racing on highways or streets; transferring duties from county commissions to the Department of Transportation; and allowing races on county or municipal roads when the race is sanctioned by the local governing authority and the road is closed to other traffic.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

**By Senator Deeds:**

**Senate Bill 810**—A Bill to amend and reenact §61-2-4 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for voluntary manslaughter.

Referred to the Committee on the Judiciary.

**By Senator Caputo:**

**Senate Joint Resolution 9**—Proposing an amendment to the Constitution of the State of West Virginia amending article III thereof by adding thereto a new section, designated section twenty-three, relating to the right to reproductive freedom with protections

for health and safety; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

Senators Blair (Mr. President), Barrett, Boley, Clements, Grady, Hamilton, Jeffries, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Stuart, Takubo, Tarr, Taylor, and Woodrum offered the following resolution:

**Senate Concurrent Resolution 29**—Expressing concerns regarding regulatory overreach impacting the chemical industry and urging the Biden Administration and Congress to reevaluate proposed restrictions.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, the same was put and prevailed.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senator Maynard offered the following resolution:

**Senate Resolution 41**—Designating February 16, 2024, as Adventure Travel Day at the Legislature.

Which, under the rules, lies over one day.

Senators Stuart, Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Maynard, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Swope, Taylor, and Woodrum offered the following resolution:

**Senate Resolution 42**—Supporting Texas Governor Greg Abbott and Texas' constitutional right to self-defense.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 28**, Directing Secretary of State to remove President Joseph R. Biden Jr. from primary and general election ballot.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on the Judiciary.

**Senate Resolution 38**, Recognizing value and supporting Small Town and Main Street development.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Jeffries, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

**Senate Resolution 39**, Designating February 15, 2024, as WV State University Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Jeffries, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

**Senate Resolution 40**, Designating February 15, 2024, as Angelman Syndrome Awareness Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Nelson, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 40) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Nelson regarding the adoption of Senate Resolution 40 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 613**, WV Residential Mortgage Lender, Broker and Servicer Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senators Trump and Nelson, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump and Nelson would be as a member of a class of persons and that they would be required to vote.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson,

Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 613) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 622**, Changing time period of voting inactivity for removal from voter registration.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 622 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 622) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 623**, Requiring DMV to provide images of certain individuals to Secretary of State for voter identification purposes.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Caputo—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 623) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 624**, Cancelling voter registration records for individuals no longer WV residents.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 624) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 5019**, Relating to surrender and return of license not required for disqualifying or downgrading a driver's license.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 5019) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 375**, Health Care Sharing Ministries Freedom to Share Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 444**, Relating to health insurance coverage for certain emergency services.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 493**, Relating to use of criminal records as disqualification from authorization to practice particular profession.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Senate Bill 610**, Clarifying authority of Water Development Authority in certain circumstances.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 615**, Limiting statutory and common law actions for certain electric generating facilities.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 631**, Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Senate Bill 635**, Modifying rules regarding liquidation of property.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 668**, Increasing amount of certain controlled substances persons may purchase annually.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 669**, Relating to county economic opportunity development districts.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 687**, Clarifying Legislative Auditor's scope of authority.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Com. Sub. for Senate Bill 714**, Transferring duties and licensing from Board of Osteopathic Medicine to Board of Medicine.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 732**, Requiring cooperation between law-enforcement agencies and military authorities.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 292**, Hunger-Free Campus Act.

**Senate Bill 395**, Relating to valuation of industrial property and natural resources by Tax Commissioner.

**Senate Bill 602**, Cardiac Emergency Response Plan Act.

**Eng. Com. Sub. for House Bill 4756**, Creating a state Alzheimer's plan task force.

**Eng. Com. Sub. for House Bill 4782**, Preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses.

**Eng. House Bill 4832**, Relating to state superintendent's reports regarding the finances of school districts.

**Eng. House Bill 5006**, Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan.

**Eng. House Bill 5261**, Relating to the definition of small arms for purposes of taxation.

**Eng. Com. Sub. for House Bill 5267**, Relating to the Deputy Sheriff Retirement System.

And,

**Eng. Com. Sub. for House Bill 5273**, Relating to the Emergency Medical Services Retirement System and clarifying payment upon death of member with less than 10 years of contributory service.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Chapman, Weld, Woelfel, and Hamilton.

At the request of Senator Woelfel, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the victims of the Kansas City Superbowl victory parade shooting on February 14, 2024.

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 14, 2024:

**Senate Bill 258:** Senator Grady;

**Senate Bill 373:** Senator Grady;

**Senate Bill 493:** Senators Rucker, Barrett, and Woelfel;

**Senate Bill 515:** Senator Rucker;

**Senate Bill 615:** Senator Deeds;

**Senate Bill 688:** Senator Nelson;

**Senate Bill 690:** Senator Nelson;

**Senate Bill 777:** Senator Deeds;

**Senate Bill 778:** Senator Deeds;

**Senate Bill 779:** Senator Deeds;

**Senate Bill 780:** Senators Woelfel and Deeds;

**Senate Bill 781:** Senators Queen and Plymale;

**Senate Bill 783:** Senator Plymale;

**Senate Bill 785:** Senator Woelfel;

**Senate Bill 788:** Senator Takubo;

**Senate Bill 789:** Senator Rucker;

**Senate Bill 792:** Senator Woelfel;

**Senate Resolution 38:** Senators Queen, Plymale, and Grady;

**Senate Resolution 39:** Senators Rucker, Caputo, Plymale, and Grady;

And,

**Senate Resolution 40:** Senator Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:55 a.m., the Senate adjourned until tomorrow, Friday, February 16, 2024, at 9:30 a.m.

---

## FRIDAY, FEBRUARY 16, 2024

The Senate met at 9:43 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Rollan A. Roberts, a senator from the ninth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mike Stuart, a senator from the seventh district.

Pending the reading of the Journal of Thursday, February 15, 2024,

At the request of Senator Boley, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Senate Bill 219**, Relating to Uniform Controlled Substances Act.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, section 416, line 14, by striking the following language: "(c) As used in this section:";

and

On page 1, section 416, line 17, after the word "use" by striking ", or knowingly facilitating illegal drug abuse by the other person so engaged".

On motion of Senator Takubo, the Senate refused to concur in the foregoing House amendments to the bill (Eng. S. B. 219) and requested the House of Delegates to recede therefrom.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from the Clerk of the House of Delegates announced the rejection by that body of

**Eng. Com. Sub. for Com. Sub. for Senate Bill 441**, Restricting driving in left lane of multi-lane highways in WV.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4110**—A Bill to amend and reenact §64-9-1 et seq. of the Code of West Virginia, 1931, as

amended, relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules as filed and as modified Legislative Rule-Making Review Committee, and as amended by the Legislature; directing certain miscellaneous agencies and boards to amend current legislative rules; authorizing the West Virginia Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct; authorizing the West Virginia Board of Acupuncture to promulgate a legislative rule relating to applications for licensure to practice acupuncture; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to frozen desserts and imitation frozen desserts; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to certified pesticide applicators; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to licensing pesticide businesses; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to West Virginia molluscan shellfish; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to select plant-based derivative products; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to agritourism; authorizing the West Virginia Board of Barbers and Cosmetologists to promulgate a legislative rule relating to procedures, criteria, and curricula for examination and licensure of barbers, cosmetologists, nail technicians, aestheticians, and hair stylists; authorizing the West Virginia Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the application for waiver of initial licensing fees for certain individuals; authorizing the West Virginia Board of Barbers and Cosmetologists to promulgate a legislative rule relating to cosmetology apprenticeships; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to licensing; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist licensing; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substances Monitoring Program database; authorizing the West Virginia Board of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal requirements; authorizing the West Virginia Board of Licensed Dietitians to promulgate a legislative rule relating to

continuing professional education requirements; authorizing the West Virginia Board of Licensed Dietitians to promulgate a legislative rule relating to telehealth practice, requirements, and definitions; relating to authorizing the West Virginia Department of Economic Development to promulgate a legislative rule relating to the operation of motorsports complexes and events; authorizing the State Election Commission to promulgate a legislative rule relating to corporate and membership organization political activity; authorizing the State Election Commission to promulgate a legislative rule relating to regulation of campaign finance; authorizing the State Election Commission to promulgate a legislative rule relating to the application and approval process for Secretary of State expenditures from the County Assistance Voting Equipment Fund; directing the Board of Funeral Home Service Examiners to amend a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders, and funeral establishment requirements; authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to general provisions; authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to a schedule of fees; authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to establishment licensure; authorizing the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners to promulgate a legislative rule relating to medical imaging technologists; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to licensure, practice requirements, disciplinary and complaint procedures, continuing education, and physician assistants; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to permitting and disciplinary procedures: educational permits for graduate medical interns, residents and fellows; authorizing the West Virginia Nursing Home Administrators Licensing Board to promulgate a legislative rule relating to nursing home administrators; authorizing the Board to promulgate a legislative rule relating to the West Virginia Board of Optometry; authorizing the West Virginia Board of Optometry to promulgate a legislative rule relating to continuing education; authorizing the West Virginia Board of Optometry to promulgate a

legislative rule relating to injectable pharmaceutical agents certificates; authorizing the West Virginia Board of Optometry to promulgate a legislative rule relating to eyelid procedures; authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; to authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to continuing education for licensure for pharmacists; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to registration of pharmacy technicians; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists, pharmacy interns, and pharmacy technicians; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to centralized prescription processing; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to pharmacy permits; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to substitution of biological pharmaceuticals; authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to the examination and licensing of professional surveyors in West Virginia; authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to disciplinary and complaint procedures for psychologists; authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to contested case hearing procedure; authorizing the West Virginia Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage businesses; authorizing the West Virginia Real Estate Commission to promulgate a legislative rule relating to a schedule of fees; authorizing the West Virginia Real Estate Commission to promulgate a legislative rule relating to requirements for real estate courses, course providers, and instructors; authorizing the West Virginia Board of Registered Nurses to promulgate a legislative rule relating to policies, standards and criteria for the evaluation, approval and national nursing accreditation of prelicensure nursing education programs; authorizing the West Virginia Board of

Registered Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct; authorizing the West Virginia Board of Registered Nurses to promulgate a legislative rule relating to advanced practice registered nurse licensure requirements; authorizing the West Virginia Board of Registered Nurses to promulgate a legislative rule relating to fees for services rendered by the board; authorizing the West Virginia Board of Respiratory Care to promulgate a legislative rule relating to student temporary permits; authorizing the Secretary of State to promulgate a legislative rule relating to guidelines for the use of nicknames and other designations on the ballot; authorizing the Secretary of State to promulgate a legislative rule relating to Combined Voter Registration and Driver Licensing Fund; authorizing the Secretary of State to promulgate a legislative rule relating to minimum standards for election administration, infrastructure, and security; authorizing the West Virginia State Treasurer to promulgate a legislative rule relating to enforcement of the Uniform Unclaimed Property Act; and authorizing the West Virginia State Treasurer to promulgate a legislative rule relating to the Jumpstart Savings Program.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4754**—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting the processing of beef, pork or lamb by a slaughterhouse from the Consumer Sales and Service Tax.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4943**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-40-1, §8-40-2, §8-40-3, §8-40-4, §8-40-5,

§8-40-6 and §8-40-7, all relating to facilitating the creation of home based lawful occupations and businesses; providing for definitions; providing for permitted use; providing for prohibitions; creating reasonable regulations; providing for limited conditions; providing for review and making effective from passage.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4984**—A Bill to repeal §11-13I-1, §11-13I-2, and §11-13I-3 of the Code of West Virginia, 1931, all relating to repealing tax credit for employing certain former employees of the Colin Anderson Center.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**Eng. Com. Sub. for House Joint Resolution 28**—Proposing an amendment to the Constitution of the State of West Virginia amending Article III thereof by adding thereto a new section, designated section twenty-three, relating to the protection from medically-assisted suicide or euthanasia in West Virginia; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

### **Executive Communications**

The Clerk presented the following communication from His Excellency, the Governor, regarding bills approved by him:



*Jim Justice*  
*Governor of West Virginia*

February 15, 2024

The Honorable Lee Cassis, Clerk  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for Senate Bill No. Thirty-One (31), which was presented to me on February 9, 2024.

You will note that I have approved this bill on February 15, 2024.

Sincerely,

A handwritten signature in blue ink, reading "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate proceeded to the fourth order of business.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 453** (originating in the Committee on Health and Human Resources), Requiring pricing and payment transparency from pharmacy benefits managers contracting with PEIA.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Com. Sub. for Senate Bill 453** (originating in the Committee on Finance)—A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended, relating to the Public Employees Insurance Agency; prohibiting a pharmacy benefit manager from reimbursing certain pharmacies or pharmacists in an amount less than the national average drug acquisition cost for a prescription drug or pharmacy service; requiring the pharmacy benefit manager to pay a dispensing fee at least equal to the fee paid by West Virginia Medicaid; providing for alternative payment calculation in the event that the national average drug acquisition cost is not available; defining terms; providing effective date; requiring additional pharmacy data variables be reported to the Public Employees Insurance Agency; removing language requiring data provided by the pharmacy benefit manager to be kept confidential; requiring the director of the Public Employees Insurance Agency to report on an annual basis; requiring the Public Employees Insurance Agency to require specific terms in its contract with a pharmacy benefit manager; requiring a study; providing for a due date for the findings in the study; and making technical corrections.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 494**, Uniform Unlawful Restriction in Land Records Act.

And,

**Senate Bill 593**, Prohibiting ranked choice voting.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

At the request of Senator Trump, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of Senate Bill 494 contained in the foregoing report from the Committee on Government Organization.

Senate Bill 593, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 533**, Allowing EMS agencies to triage, treat or transport patients to alternate destinations.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 533** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-4C-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-4C-26; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated, §33-16-3rr; to amend said code by adding thereto a new section, designated §33-24-7y; to amend said code by adding thereto a new section, designated 33-25-8v; and to amend said code by adding thereto a new section, designated §33-25A-8y, all relating to emergency medical services; defining terms; providing that an emergency medical services agency may triage and transport a patient to an alternate destination in certain circumstances; mandating insurance coverage of emergency medical services include triage, treat, and transport to an alternative destination, or to treat in place; and providing effective date.

**Senate Bill 667**, Creating Physician Assistant Compact.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 667** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-3G-1, §30-3G-2, §30-3G-3, §30-3G-4, §30-3G-5, §30-3G-6, §30-3G-7, §30-3G-8, §30-3G-9, §30-3G-10, §30-3G-11, §30-3G-12, and §30-3G-13, all relating to creating the Physician Assistant Licensure Compact; providing for a purpose; creating definitions; providing for state participation in the compact; creating the compact privilege; providing for the designation of the state from which licensee is applying for a compact privilege; defining adverse actions; providing for the establishment of the Physician Assistant Licensure Compact

Commission; defining the data system; providing for rulemaking; providing for oversight, dispute resolution, and enforcement; providing for the date of implementation of the Physician Assistant Licensure Compact Commission; providing for construction and severability; and creating the binding effect of the compact.

And,

**Senate Bill 785**, Allowing Foster Care Ombudsman access to child protective records.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 785** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended, relating to adding the Foster Care Ombudsman as a person to have access to records concerning a child or juvenile.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 630**, Defining protections for election officials and election workers.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 630** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-9-10 of the Code of West Virginia, 1931, as amended, relating to criminal

offenses of preventing or obstructing election activities; specifying that listed offenses may be committed by force, or by intimidating language, or physical acts; establishing offense of preventing or attempting to prevent election officer, election worker, or other person assisting in holding election, counting votes, or certifying and returning election results from discharging duties; establishing offense of preventing or attempting to prevent election being held; establishing offense of obstructing or attempting to obstruct holding of election; establishing offense of preventing or attempting to prevent voter from attending election or freely exercising right of suffrage; establishing offense of preventing or attempting to prevent election official or election worker from entering or exiting polling place; establishing criminal penalties for listed offenses; and eliminating offense of refusal to assist in preventing intimidation, disorder, or violence at poll.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 683**, Amending definition of "alternative fuel" under motor fuel excise tax.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 722**, Revising examination of records relating to limited video lottery.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 722** (originating in the Committee on Government Organization)—A Bill to amend and reenact §29-22B-1406 of the Code of West Virginia, 1931, as amended, relating to limiting financial records of limited video lottery permittee that are subject to examination by Lottery Commission.

And,

**Senate Bill 738**, Authorizing State Fire Marshal to promulgate emergency rules relating to increased fees.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 738** (originating in the Committee on Government Organization)—A Bill to amend and reenact §15A-10-7 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal to promulgate emergency rules relating to increased fees.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 726**, Moving functions of Information Services and Communications Division into Office of Technology.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 727**, Revising process for county boards of education to hire support staff.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 727** (originating in the Committee on Education)—A Bill to amend and reenact §18-5A-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8b of said code, all relating to revising the process for county boards of education to hire aides and early childhood classroom assistant teachers; allowing the principal or certain other person designated in West Virginia Board of Education rule to be given opportunity to interview all qualified applicants and make recommendations regarding their employment; allowing faculty senate to interview or otherwise obtain information regarding applicants; adding to criterion that decisions affecting promotions and filling of the aide and early childhood classroom assistant teacher positions are to be based on; specifying weight to be given

to each criterion; requiring all qualified applicants to be considered together in one group; requiring appointment of applicant if the principal and faculty senate recommend the same applicant and the county superintendent concurs; requiring state board rule to implement and interpret the provisions of §18A-4-8b of this code; and establishing effective date.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 758**, Relating to unlawful expenditures by local fiscal bodies.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 758** (originating in the Committee on Government Organization)—A Bill to amend and reenact §11-8-26 of the Code of West Virginia, 1931, as amended, relating to unlawful expenditures by local fiscal bodies; and prohibiting obligating local fiscal bodies beyond current fiscal year, subject to exceptions.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

The bill (Com. Sub. for S. B. 758), under the original double committee reference, was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 779**, Imposing deadlines for autopsies and autopsy reports.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. House Bill 4768**, Relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. House Bill 4860**, Providing that a general education teacher may not be responsible for accommodation logs.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. House Joint Resolution 21**, Amending the Constitution to prohibit persons not United States citizens from voting in any election held within this state.

And has amended same.

And reports the same back with the recommendation that it be adopted, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

The resolution, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on the Judiciary pending.

At the request of Senator Takubo, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Azinger:**

**Senate Bill 811**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; providing that increased risk of disease is not a compensable basis for damages or other relief in any civil action; and establishing requirements for an order for payment of medical monitoring expenses.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 812**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-33, relating to prohibiting the publishing or distribution of material harmful to minors on the Internet.

Referred to the Committee on the Judiciary.

**By Senator Grady:**

**Senate Bill 813**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25f, relating to allowing students to participate in non-school athletic activities.

Referred to the Committee on Education.

**By Senator Woodrum:**

**Senate Bill 814**—A Bill to repeal §29-6-9, §29-6-10a, §29-6-14, and §29-6-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-6-1, §29-6-2, §29-6-3, §29-6-4, §29-

6-5, §29-6-6, §29-6-7, §29-6-8, §29-6-10, §29-6-12, §29-6-16, §29-6-17, §29-6-19, §29-6-20, §29-6-21, §29-6-22, §29-6-23, §29-6-24, and §29-6-27 of said code, all relating to the state employee merit system; defining terms; allowing additions to classified service; providing exemptions to classified service; providing make-up and duties of the State Personnel Board; defining a quorum; providing authority of Director of Personnel; providing rulemaking for the Division of Personnel; authorizing the director to adjust pay grades; providing process for appointment, promotion, or reinstatement from lists of candidates; allowing for pilot projects; providing process for dismissal; confidentiality of records; allowing local political subdivisions to participate in the classified service system; providing penalties; providing time frames for job postings and appointments; and allowing for a leave donation program.

Referred to the Committee on Government Organization.

**By Senator Takubo:**

**Senate Bill 815**—A Bill to amend and reenact §49-2-111a of the Code of West Virginia, 1931, as amended, relating to performance-based contracting for child-placing agencies; and requiring the Department of Human Services and the Bureau for Social Services to make a rate study, analysis of workforce capacity, and the impact on children of the current reimbursement levels for child-placement agencies and to report the performance of the child-placing agency to the Legislative Oversight Commission on Health and Human Resources Accountability and to the Joint Committee on Government and Finance by December 31, annually.

Referred to the Committee on Health and Human Resources.

**By Senator Barrett:**

**Senate Bill 816**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31J-1-1, §31J-1-2, §31J-1-3, §31J-1-4, §31J-1-5, and §31J-1-6, all relating to creating the Truth in Giving Act, providing definitions, establishing penalties, and granting rulemaking authority.

Referred to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 817**—A Bill to amend and reenact §18-2-1 of the Code of West Virginia, 1931, as amended, relating to modifying eligibility and qualifications to serve as an appointed member of the State Board of Education; prohibiting certain political and other activities and permitting certain political activities.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

**By Senators Chapman and Maynard:**

**Senate Bill 818**—A Bill to amend and reenact §17-2A-4b of the Code of West Virginia, 1931, as amended, relating to providing a \$5,000 raise to state road employees.

Referred to the Committee on Finance.

**By Senators Martin, Blair (Mr. President), Azinger, Barrett, Chapman, Clements, Deeds, Hamilton, Hunt, Jeffries, Karnes, Maynard, Nelson, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Woelfel, and Woodrum:**

**Senate Bill 819**—A Bill to amend and reenact §16-1-4 and §16-1-9a of the Code of West Virginia, 1931, as amended, all relating to the regulation of public water systems; and providing that the Secretary of the Department of Health may not require public water systems or businesses to have backflow preventers.

Referred to the Committee on Government Organization.

**By Senator Weld:**

**Senate Bill 820**—A Bill to amend and reenact §9-5-29 of the Code of West Virginia, 1931, as amended, relating to substance abuse; defining terms; requiring the Department of Human Services to create a program to improve quality of care rendered to the substance use disorder population by applying automatic enrollment to the managed care population; setting forth variables to consider for preference in automatic enrollment; providing effective date; and requiring reporting.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senators Rucker, Barrett, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Oliverio, Queen, Smith, Stover, Stuart, Tarr, Taylor, Weld, and Woodrum:**

**Senate Bill 821**—A Bill to amend and reenact §61-2-29 and §61-2-29a of the Code of West Virginia, 1931, as amended; all relating to abuse or neglect of incapacitated adults; establishing gross neglect of an incapacitated adult as a felony with penalties to include a fine not exceeding \$3,000 and confinement to the custody of the Division of Corrections for not less than one nor more than five years; and removing the element of malice in felony charges of certain caregiver actions resulting in death of an incapacitated adult.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 822**—A Bill to amend and reenact §11-1C-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-12-4b; to amend said code by adding thereto a new article, designated §11-12E-1, §11-12E-2, §11-12E-3, and §11-12E-4; and to amend said code by adding thereto a new section, designated §36-4-20, all relating to real property, tax, and registration requirements associated with carbon offset agreements; defining terms; providing exceptions; requiring parties to current and new carbon offset agreements to register with the State Tax Department; requiring reports by Division of Forestry and State Tax Department; authorizing disclosure of information between the Tax Commissioner and Division of Forestry; imposing an excise tax on receipts derived from carbon offset agreements; setting forth reporting requirements; defining "managed timberland" to exclude certain timberland subject to a carbon offset agreement; specifying application of West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; authorizing promulgation of rules; providing legislative findings and declarations; providing that any covenant, restriction, condition,

easement, contract, lease, deed, agreement, option, or other governing document, which is executed or recorded after the effective date, which effectively prohibits or restricts the development of land and minerals or the harvesting of timber for the purposes of carbon capture, carbon offset, and carbon sequestration is void and unenforceable, unless said covenant, restriction, condition, easement, contract, lease, deed, agreement, option, or other governing document is for an initial maximum term of 20 years or less; and providing that options to renew or continue such arrangements beyond the maximum term of 20 years shall be valid only if the consideration is required to be renegotiated to exercise the option and the option is for a maximum of 20 years or less; and providing exceptions.

Referred to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 823**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-17-1, §61-17-2, §61-17-3, §61-17-4, §61-17-5, §61-17-6, §61-17-7, §61-17-8, and §61-17-9, all relating to prohibitions on the illegal entry into, or illegal presence in, this state by a person who is an alien, the enforcement of those prohibitions and certain related orders, including immunity from liability and indemnification for enforcement actions, and authorizing, or requiring under certain circumstances, the removal of persons who violate those prohibitions; and creating criminal offenses.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 824**—A Bill to amend and reenact §5B-2-17 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Motorsport Committee; expanding the membership from five to 18 members, including the chairperson; and designating the motorsport that shall be represented by the increased membership.

Referred to the Committee on Outdoor Recreation; and then to the Committee on Finance.

**By Senators Woelfel and Caputo:**

**Senate Bill 825**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, and §16-67-6, all relating to creating the Youth Mental Health Protection Act; setting forth legislative findings; setting forth a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for disciplinary actions against providers who violate the article.

Referred to the Committee on Health and Human Resources; and then to the Committee on Government Organization.

**By Senator Nelson:**

**Senate Bill 826**—A Bill to amend and reenact §7-6-2 of the Code of West Virginia, 1931, as amended, relating to allowing depository institutions to provide Federal Deposit Insurance Corporation coverage to county commissions through reciprocal deposit arrangements regardless of the form the account takes; and providing criteria that depository institutions must meet to satisfy the exemption to provide a bond or security in lieu of bond for such arrangements.

Referred to the Committee on Banking and Insurance.

**By Senators Woodrum and Jeffries:**

**Senate Bill 827**—A Bill to amend and reenact §17-23-2 and §17-23-4 of the Code of West Virginia, 1931, as amended, relating generally to salvage yards; providing definition for regional distribution and dismantling center; and providing for specialized regional distribution and dismantling license in certain circumstances.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 828**—A Bill to amend and reenact §3-5-2 and §3-5-21 of the Code of West Virginia, 1931, as amended, all relating to political party procedure and authority to select delegates to its national convention; and to political party conventions for nomination of presidential electors.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 829**—A Bill to amend and reenact §3-1-9 and §3-1-11 of the Code of West Virginia, 1931, as amended, all relating to political party committee organization, vacancy filling procedures, and political party internal governance.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 830**—A Bill to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating to the procedures for filling vacancies in state Legislature.

Referred to the Committee on Government Organization.

**By Senator Takubo:**

**Senate Bill 831**—A Bill to amend and reenact §33-15-4t of the Code of West Virginia, 1931, as amended; to amend and reenact §33-16-3ee of said code; to amend and reenact §33-24-7t of said code; to amend and reenact §33-25-8q of said code; and to amend and reenact §33-25A-8t of said code, all relating to financial assistance available for a prescription drug; defining terms; and providing for civil penalties.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 832**—A Bill to amend and reenact §49-4-108 of the Code of West Virginia, 1931, as amended, relating to removing the option for courts to order services at a higher rate than Medicaid.

Referred to the Committee on the Judiciary.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 833**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Arts, Culture, and History, Division of Culture and History, fund 0293, fiscal year 2024, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senator Clements:**

**Senate Bill 834**—A Bill to amend and reenact §17A-6-18a of the Code of West Virginia, 1931, as amended, relating to adding a member to the Motor Vehicle Advisory Board; and specifying that one of the members shall be a representative of automobile auctions of primarily salvage vehicles.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Tarr:**

**Senate Bill 835**—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended; relating to the payment for housing and maintenance of inmates; modifying a per day, per inmate base rate; modifying the reduced rate; and modifying the enhanced rate.

Referred to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 836**—A Bill to amend and reenact §44D-1-103 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-4-402 of said code; to amend and reenact §44D-5-503c of said code; to amend and reenact §44D-7-701, §44D-7-704, and §44D-7-705 of said code; to amend and reenact §44D-8B-2 of

said code; and to amend and reenact §44D-10-1011 of said code, all relating to permitting the electronic execution of trusts.

Referred to the Committee on the Judiciary.

**By Senators Weld and Trump:**

**Senate Bill 837**—A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing Public Defender Corporations, until July 1, 2025, to reorganize its offices to conform the circuit reconfiguration enacted during the 2023 Regular Session of the Legislature.

Referred to the Committee on the Judiciary.

**By Senator Clements:**

**Senate Bill 838**—A Bill to amend and reenact §17A-4A-2a of the Code of West Virginia, as amended, relating to mandating lending institutions who conduct five or more transactions annually to utilize the Division of Motor Vehicles electronic lien system to perfect or release security interest in a vehicle.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Trump:**

**Senate Bill 839**—A Bill to amend and reenact §29-12-5a of the Code of West Virginia, 1931, as amended, relating to providing county boards of education the option to obtain professional or other liability insurance coverage from other insurance carriers licensed in the state.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

Senator Tarr offered the following resolution:

**Senate Concurrent Resolution 30**—Honoring Hershel "Woody" Williams as one of two West Virginia statues in the National Statuary Hall Collection.

Which, under the rules, lies over one day.

Senators Maynard, Swope, Blair (Mr. President), Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, and Woodrum offered the following resolution:

**Senate Resolution 43**—Memorializing the life of the Honorable John Patton Fanning, mortician, funeral director, banker, Mason, mayor, former member of the West Virginia Senate, statesman, and dedicated public servant.

Which, under the rules, lies over one day.

Senator Hamilton offered the following resolution:

**Senate Resolution 44**—Designating Monday, February 19, 2024, as Pancreatic Cancer Day at the Legislature.

Which, under the rules, lies over one day.

Senator Grady offered the following resolution:

**Senate Resolution 45**—Recognizing the 112th anniversary of the Girl Scouts of the USA.

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

**Senate Resolution 46**—Affirming support for the preservation of West Virginia's historic buildings, coal camp buildings, and coal heritage sites in Thurmond, West Virginia and across the state.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 41**, Designating February 16, 2024, as Adventure Travel Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Maynard, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Rucker demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Maroney and Woelfel—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 41) adopted.

**Senate Resolution 42**, Supporting Texas Governor Greg Abbott and Texas' constitutional right to self-defense.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Stuart, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo,

Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo—1.

Absent: Maroney and Woelfel—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 42) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Stuart as to the adoption of Senate Resolution 42 were ordered printed in the Appendix to the Journal.

At the request of Senator Plymale, unanimous consent being granted, the remarks by Senator Caputo as to the adoption of Senate Resolution 42 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 375, Health Care Sharing Ministries Freedom to Share Act.**

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 375 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Caputo—1.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 375) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 444**, Relating to health insurance coverage for certain emergency services.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 444) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 493**, Relating to use of criminal records as disqualification from authorization to practice particular profession.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 15, 2024, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the

calendar, with the right to amend on third reading remaining in effect.

**Eng. Senate Bill 610**, Clarifying authority of Water Development Authority in certain circumstances.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 610) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 610) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 615**, Limiting statutory and common law actions for certain electric generating facilities.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 615 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Phillips—1.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 615) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. Senate Bill 615**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to limitations on actions related to certain electric generating facilities designated as exempt wholesale generators under federal law; defining terms; providing that construction and commercial operations of a qualified facility shall not constitute or give rise to a covered claim; prohibiting covered claims against siting certificate holders or operators of qualified facilities unless certain criteria met; providing limited

exception to prohibition against covered claims; requiring that acts or omissions of siting certificate holder giving rise to noncompliance be proximate cause of covered claim; providing exception for certain personal injury and property damage claims; and providing for prospective effect.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 631**, Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 15, 2024, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

**Eng. Senate Bill 635**, Modifying rules regarding liquidation of property.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Stuart—1.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 635) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 668**, Increasing amount of certain controlled substances persons may purchase annually.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hunt, Jeffries, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Swope, Takubo, Trump, Woelfel, Woodrum, and Blair (Mr. President)—23.

The nays were: Azinger, Chapman, Hamilton, Karnes, Martin, Maynard, Stuart, Tarr, Taylor, and Weld—10.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 668) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 669**, Relating to county economic opportunity development districts.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 669) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 669) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 687**, Clarifying Legislative Auditor's scope of authority.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 15, 2024, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

**Eng. Com. Sub. for Senate Bill 714**, Transferring duties and licensing from Board of Osteopathic Medicine to Board of Medicine.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senator Takubo requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is a physician licensed by the Board of Osteopathic Medicine.

The Chair replied that any impact on Senator Takubo would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hunt, Jeffries, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—24.

The nays were: Azinger, Chapman, Hamilton, Karnes, Martin, Maynard, Rucker, Stover, and Taylor—9.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 714) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 732**, Requiring cooperation between law-enforcement agencies and military authorities.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 292**, Hunger-Free Campus Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 395**, Relating to valuation of industrial property and natural resources by Tax Commissioner.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Senate Bill 602**, Cardiac Emergency Response Plan Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Eng. Com. Sub. for House Bill 4756**, Creating a state Alzheimer's plan task force.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on Health and Human Resources, were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 8, line 40, by striking out the word "shall" and inserting in lieu thereof the word "may";

On page 5, section 8, line 107, by striking out the words "July 31, 2026" and inserting in lieu thereof the words "January 1, 2029";

And,

On page 5, section 8, after line 107, by adding thereto two new subsections, designated subsections (k) and (l), to read as follows:

(k) By December 1 of each year, the council shall submit to the Governor and the Joint Committee on Health an annual report on the implementation of the State Alzheimer's Plan recommendations and any barriers to implementation.

(l) Every four years, the council shall issue an updated State Alzheimer's Plan addressing the items in subsection (h) and any other issues the council deems necessary and relevant toward addressing Alzheimer's and dementia.

The bill (Eng. Com. Sub. for H. B. 4756), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4782**, Preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

**Eng. House Bill 4832**, Relating to state superintendent's reports regarding the finances of school districts.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

On page 1, section 21, line 5, after the word "funding" by inserting the words "as authorized in §18-9B-19 of this code".

The bill (Eng. H. B. 4832), as amended, was then ordered to third reading.

**Eng. House Bill 5006**, Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. House Bill 5261**, Relating to the definition of small arms for purposes of taxation.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 5267**, Relating to the Deputy Sheriff Retirement System.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 5273**, Relating to the Emergency Medical Services Retirement System and clarifying payment upon death of member with less than 10 years of contributory service.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Senate Bill 574**, Supplemental appropriation to DOT, Division of Highways.

**Com. Sub. for Senate Bill 637**, Prohibiting public disclosure of personal information on internet.

**Com. Sub. for Senate Bill 649**, Clarifying per diem compensation for certain judges recalled to service.

**Com. Sub. for Senate Bill 688**, Authorizing director of Division of Forestry to contract and manage forest land.

**Com. Sub. for Senate Bill 690**, Establishing WV Agritourism Commission.

**Senate Bill 696**, Supplementing and amending appropriations to Department of Homeland Security, Division of Emergency Management.

**Senate Bill 700**, Supplementing and amending appropriations to Miscellaneous Boards and Commissions, Hospital Finance Authority.

**Senate Bill 701**, Supplementing and amending appropriations to Department of Education, School Construction Fund.

**Senate Bill 703**, Supplementing and amending appropriations to Department of Homeland Security, WV State Police.

**Senate Bill 707**, Supplementing and amending appropriations to Department of Commerce, Division of Natural Resources.

**Senate Bill 708**, Supplementing and amending appropriations to Department of Agriculture, WV Spay Neuter Assistance Fund.

**Senate Bill 709**, Supplementing and amending appropriations to Department of Arts, Culture and History, National Coal Heritage Area Authority.

**Senate Bill 710**, Supplementing and amending appropriations to State Board of Education, Aid for Exceptional Children.

**Com. Sub. for Senate Bill 740**, Prohibiting digital manipulation of sexually explicit content to include minors.

**Com. Sub. for Senate Bill 741**, Prohibiting creation, production, distribution or possession of artificially generated child pornography.

And,

**Senate Bill 752**, Authorizing Department of Agriculture to complete certain land transfers.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Stuart and Woelfel.

The Senate then proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia  
Charleston

LEE CASSIS  
CLERK OF THE SENATE



Senate Chamber Room 211  
1900 Kanawha Building  
Charleston, WV 25305-4900  
904.587.3800

February 16, 2024

The Honorable Jim Justice, II  
Governor, State of West Virginia  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305


Dear Governor Justice,

The following bill, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, has been examined and found truly enrolled:

**S. B. 547.** Authorizing legislative rules for Higher Education Policy Commission.

This bill is presented to you on this day, February 16, 2024.

Respectfully submitted,

  
Lee Cassis  
Clerk of the Senate

C: The Honorable Stephen J. Harrison  
Clerk of the House of Delegates

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on February 15, 2024:

**Senate Bill 545:** Senator Woodrum;

And,

**Senate Bill 580:** Senator Rucker.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 15, 2024:

**Senate Bill 244:** Senator Taylor;

**Senate Bill 258:** Senator Deeds;

**Senate Bill 373:** Senator Deeds;

**Senate Bill 425:** Senator Rucker;

**Senate Bill 532:** Senator Woodrum;

**Senate Bill 533:** Senator Woodrum;

**Senate Bill 534:** Senator Woodrum;

**Senate Bill 536:** Senator Woodrum;

**Senate Bill 538:** Senator Woodrum;

**Senate Bill 554:** Senator Grady;

**Senate Bill 740:** Senator Hunt;

**Senate Bill 741:** Senator Hunt;

**Senate Bill 742:** Senator Jeffries;

**Senate Bill 774:** Senator Jeffries;

**Senate Bill 785:** Senators Jeffries and Woodrum;

**Senate Bill 794:** Senator Woelfel;

**Senate Bill 797:** Senator Woelfel;

**Senate Bill 799:** Senator Deeds;

**Senate Bill 801:** Senator Taylor;

**Senate Bill 802:** Senator Woelfel;

**Senate Bill 804:** Senator Deeds;

**Senate Joint Resolution 7:** Senator Chapman;

**Senate Concurrent Resolution 13:** Senator Jeffries;

**Senate Concurrent Resolution 29:** Senators Martin, Karnes, and Deeds;

And,

**Senate Resolution 41:** Senators Rucker, Karnes, and Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 10:57 a.m., the Senate adjourned until Monday, February 19, 2024, at 11 a.m.

---

## MONDAY, FEBRUARY 19, 2024

The Senate met at 11:04 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Philip Mullins, Campus Pastor, Gateway Christian Church, St. Albans, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Chandler Swope, a senator from the sixth district.

Pending the reading of the Journal of Friday, February 16, 2024,

At the request of Senator Weld, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Senate Bill 605**, Requiring electronic funds transfer of retirement contributions by participating employers.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Senate Bill 606**, Relating to Natural Resources Police Officers Retirement System.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Senate Bill 607**, Clarifying Municipal Police Officers and Firefighters Retirement System surviving spouse benefits.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4381**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-9-1, §46A-9-2, and §46A-9-3, all relating to the enactment of the West Virginia Consumer Privacy Act of 2024; providing definitions; providing prohibitions on disclosures or sales of certain consumer financial information; authorizing a customer to opt-in to certain disclosures; creating exceptions for certain financial institutions for sharing consumer information with

a credit reporting agency; requiring certain information to be provided to consumers; providing for civil remedies; and providing for enforcement actions of the Attorney General.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4399**—A Bill to amend and reenact §61-11-25 of the Code of West Virginia, 1931, as amended, relating to general provisions concerning crimes; expungement of criminal records; and when a civil action may be filed to expunge criminal records for cases where charges have been dismissed following a full and successful completion of a pretrial diversion or deferred adjudication; relating to exceptions to the allowance to file a civil action for expungement.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4867**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated chapter 49A. Child Online Protection and Liability, by adding thereto a new article, designated §49-A-1-101 Liability for Publishers and Distributors of Sexual Material Harmful to Minors, by adding thereto new sections designated §49-A-1-101, §49-A-1-102, §49-A-1-103, §49-A-1-104, §49-A-1-105, §49-A-1-106, and §49-A-1-107 all relating to creating liability for publishers and distributors of sexual material harmful to minors; providing definitions; relating to what constitutes reasonable age verification; providing exceptions to applicability of this article; requiring a commercial entity that provides pornography and other materials defined as being harmful to minors as a substantial portion of the entity's content to verify the age of individuals accessing the material, relating to liability, and establishing a cause

of action; establishing requirements, liability, and a establishing a cause of action, for the retention of data; imposing liability for publishers and distributors of material harmful to minors who fail to comply with verification requirements; imposing liability for publishers and distributors of material that is obscene or child pornography; and providing that an internet service provider or hosting entity is not liable for hosting or transmitting material harmful to minors to the extent that it is not the creator of the material; providing a five year statute of limitations to these civil actions; relating to certain civil actions allowable by the Attorney General, relating to remedy of civil penalties, relating to how amount of civil penalties are to be based; relating to a five year statute of limitations for civil actions relating for attorney general civil actions; relating to rule-making authority of the Office of Technology; relating to enforcement of the provisions of this article; and relating to a severability section.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4717**—A Bill to amend and reenact §5A-3-4 and §5A-3-12 of the Code of West Virginia, 1931, as amended, all relating to terminating the authority of the Director of the Purchasing Division to impose a certain annual fee upon vendors.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5128**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §29-22-18g, relating to transferring, after the end of each fiscal year from any remaining and available net profits in the State Lottery Fund, the sum of \$6 million to the Fire Protection Fund for state distribution to volunteer fire departments, the sum

of \$3 million to the All County Fire Protection Fund for county distribution to fire departments in each county that has in place a countywide excess levy, or a countywide fee dedicated to fire or emergency services, and the sum of \$3 million to the County Fire Protection Fund for county distribution to fire departments in each county; and providing reduced pro rata distribution in the event of insufficient remaining and available net profits.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5170**—A Bill to amend and reenact §5B-2-14 of the Code of West Virginia, 1931, as amended, to increase local economic development matching grants.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5318**—A Bill to amend and reenact §30-29-13 of the Code of West Virginia, 1931, as amended, relating to municipal chief executive requirements; and clarifying that persons elected as municipal police chiefs shall be certified law-enforcement officers, or to be certifiable as such, according to the requirements set forth in other applicable provisions of this code; providing that chief executives elected prior to the effective date are exempt from the requirement; and providing that elected or appointed chief executives of a municipal law-enforcement agency of Class IV towns are exempt from the requirements of the section.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5319**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-5-17b, all relating to creating the offense of exposing a person to fentanyl; creating the offense of exposing a person to fentanyl causing death; creating the offense of exposing a person to fentanyl causing bodily injury; requiring proof of a violation of this code; establishing criminal penalties; requiring proof of exposure; and providing definitions.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5443**—A Bill to amend and reenact §11-6J-3 of the Code of West Virginia, 1931, as amended, relating to the ad valorem property valuation of specialized high-technology property; providing that certain property used in electronic data processing services be included as specialized high-technology property.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 74**—Defending Life by Rejecting Euthanasia.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

The Senate proceeded to the fourth order of business.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 711**, Adding federal agencies and agents allowed to enforce state law under certain circumstances.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 711** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-10-5 of the Code of West Virginia, 1931, as amended, relating to eliminating the list of federal agencies and agents who, under limited circumstances, may enforce state laws; clarifying that qualified law enforcement from any federal agency may enforce state laws under limited circumstances.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 711) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 751**, Creating online charitable raffles.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 751** (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-21A-101, §47-21A-102, §47-21A-103, §47-21A-104, §47-21A-105, §47-21A-106, §47-21A-107, §47-21A-108, §47-21A-109, §47-21A-110, §47-21A-111, §47-21A-112, §47-21A-113, §47-21A-114, §47-21A-115, §47-21A-116, §47-21A-117, §47-21A-118, §47-21A-119, §47-21A-120, §47-21A-121, §47-21A-122, §47-21A-123, §47-21A-124, §47-21A-125, §47-21A-126, §47-21A-127, §47-21A-128, §47-21A-129, and §47-21A-130, all relating to creating online charitable raffles.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 751) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. Com. Sub. for House Bill 5295**, Authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 5295) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Tarr:**

**Senate Bill 840**—A Bill to amend and reenact §21A-2D-2 and §21A-2D-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §21A-2D-2a; to amend said code by adding thereto a new article, designated §21A-3-1, §21A-3-2, and §21A-3-3; to amend and reenact §21A-6-1 and §21A-6-10 of said code; and to amend said code by adding thereto a new section, designated §21A-6-1d, all relating to unemployment benefits; modifying the calculation of the taxable wage base; modifying eligibility for and amount of unemployment benefits; modifying methodology for calculating maximum benefit rate; modifying benefit table consistent with adoption of indexing; requiring Workforce West Virginia Commissioner take certain actions to verify unemployment insurance claim program integrity; requiring commissioner to review suspicious or potentially improper claims under certain circumstances; defining "state average unemployment rate"; limiting the maximum duration of unemployment benefits based on the state average unemployment rate; requiring Workforce West Virginia to promulgate legislative rules; establishing an internal

effective date; reducing maximum benefit for each wage class; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; setting internal effective date; and removing chart column made incorrect by adoption of indexing.

Referred to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 841**—A Bill to amend and reenact §21A-1A-28 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21A-6-10; all relating to unemployment benefits; setting the amount of employment taxes and benefits; modifying the calculation of the taxable wage base; and modifying methodology for calculating the maximum benefit rate.

Referred to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 842**—A Bill to amend and reenact §18-5-1a and §18-5-4 of the Code of West Virginia, 1931, as amended, all relating to county boards of education members; increasing the number of annual training hours for county board members; modifying the subjects on which county board members must be trained; authorizing the State Board to require board members to complete additional training upon request from the State

Superintendent; adding ex officio members to the county board member training standards review committee; requiring the State Superintendent to make an annual report to the Legislative Oversight Commission on Education Accountability relating to county board member training; increasing compensation for attending meetings; reducing the number of meetings board members may be compensated to attend; and prohibiting county board members from receiving compensation if training requirements are not met.

Referred to the Committee on Education.

**By Senator Woodrum:**

**Senate Bill 843**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-10-1, §12-10-2, §12-10-3, §12-10-4, §12-10-5, §12-10-6, §12-10-7, §12-10-8, and §12-10-9, and to amend and reenact §47-6-4 of said code, all relating generally to the use of gold and silver as legal tender in the State of West Virginia; defining terms; authorizing the State Treasurer to establish the West Virginia Bullion Depository within the State Treasury; making the State Treasurer the administrator of the depository; providing that deposits are held in trust for account holders and are not subject to appropriation; prohibiting payment of interest on deposits; establishing the West Virginia Bullion Depository administrative account; setting forth the duties of the administrator; enumerating the powers of the administrator; setting forth requirements for deposits; authorizing the depository to issue transactional currency; requiring the administrator to promulgate legislative rules and emergency rules subject to certain requirements; exempting depository account contents from state taxation; providing for the confidentiality of depository records; recognizing gold coin issued by the United States as legal tender in West Virginia; and recognizing bullion, specie, and transaction currency, issued by the depository, as legal tender in West Virginia.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 844**—A Bill to amend and reenact §10-5-1, §10-5-2, and §10-5-3 of the Code of West Virginia, 1931, as amended, relating to the Educational Broadcasting Authority; changing the name of the Educational Broadcasting Authority to the Educational Broadcasting Commission; and making technical corrections.

Referred to the Committee on Government Organization.

**By Senator Maynard:**

**Senate Bill 845**—A Bill to amend and reenact §17E-1-12 of the Code of West Virginia, 1931, as amended relating to requiring yearly renewal of commercial driver's licenses; providing for the reinstatement of revoked or expired commercial driver's licenses due to inactive status and lack of medical certification.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Maynard:**

**Senate Bill 846**—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §18B-4-11, relating to creating an associate's or bachelor's degree based on skills, education, and experience earned while serving in the military.

Referred to the Committee on Military.

**By Senator Rucker:**

**Senate Bill 847**—A Bill to amend and reenact §61-11-25 of the Code of West Virginia, 1931, as amended, relating generally to expungement of criminal records for those found not guilty of crimes or against whom charges have been dismissed; making expungement of records for certain defendants acquitted of all criminal charges, or against whom charges were dismissed with prejudice, eligible for expungement without any action by the person; clarifying that persons with prior felony convictions are not eligible for expungement; and providing that if a court enters an order of acquittal of all criminal charges against a person in a case,

the court shall order the record expunged upon the expiration of 30 days, unless the person objects to the expungement.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 848**—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §16-1-22d, relating to creation of a special revenue account within the State Treasury; placing special revenue account designated the Office of the Inspector General Reimbursement Fund within Department of Health; providing for the purpose of the account; and designating revenue sources for the account.

Referred to the Committee on Finance.

**By Senator Queen:**

**Senate Bill 849**—A Bill to amend and reenact §17-2A-17a of the Code of West Virginia, 1931, as amended, relating to clarifying the definition of utility and establishing that private natural resource property shall not be taken without just compensation.

Referred to the Committee on Agriculture and Natural Resources; and then to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 850**—A Bill to amend and reenact §46A-6N-1 of the Code of West Virginia, 1931, as amended, all relating to the Consumer Credit and Protection Act; defining terms; removing commercial tort claims exclusion from definition of litigation financing; and excluding certain non-profit organizations from the definition of litigation financing.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 851**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, §7-28-4, §7-28-5, §7-28-6, §7-28-7, §7-28-8, and §7-28-9; and to amend said code by adding thereto a new article, designated §8-40-1, §8-40-2, §8-40-3, §8-40-4, §8-40-5,

§8-40-6, §8-40-7, §8-40-8, and §8-40-9, all relating to contingency fee arrangements between political subdivisions and private attorneys; defining terms, permitting contingency fee agreements in certain circumstances; exempting certain legal work performed for political subdivision; providing process and factors considered for political subdivision award of contingency fee agreement to private attorney; limiting aggregate fees for contingency fee agreement; providing requirements for contingency fee agreement; providing contingency fee agreement void in certain circumstances; setting forth exemption from West Virginia Freedom of Information Act; and providing effective dates.

Referred to the Committee on the Judiciary.

**By Senator Taylor:**

**Senate Bill 852**—A Bill to amend and reenact §49-2-113 of the Code of West Virginia, 1931, as amended, relating to modifying the ratio of children at family child care facilities.

Referred to the Committee on Health and Human Resources.

**By Senator Rucker:**

**Senate Bill 853**—A Bill to amend and reenact §15A-10-15 of the Code of West Virginia, 1931, as amended, relating to the performance of installation of propane gas systems; requiring the Fire Commission to promulgate standards relating to propane gas systems installed in single-family dwellings; and requiring the State Fire Marshal to inspect and certify compliance with the Fire Commission's standards.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Government Organization.

**By Senator Oliverio:**

**Senate Bill 854**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-64, relating to establishing the Public/Private Small Business Enhancement Program to encourage small business development and growth; providing definitions; providing for rule-

making authority; providing for exemptions for construction; and providing for a sunset date.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senator Chapman:**

**Senate Bill 855**—A Bill to amend and reenact §61-8A-2, §61-8A-3, §61-8A-4, and §61-8A-5 of the Code of West Virginia, 1931, as amended, relating to clarifying the felony of exhibiting obscene matter to a minor for the purpose of abuse to be clarified to include any depiction of sexually graphic material to a minor for the purpose of seducing a minor.

Referred to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 856**—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, adding thereto a new article, designated §33-63-1, relating to cost sharing for diagnostic and supplemental breast examinations; providing definitions; providing that the Commissioner of Insurance may propose legislative rules; providing requirements for insurance and exceptions thereto if the benefit reduces certain federal benefits; and to provide related matters associated with coverage.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Chapman:**

**Senate Bill 857**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ii; to amend said code by adding thereto a new section, designated §33-16-3pp; to amend said code by adding thereto a new section, designated §33-24-7y; to amend said code by adding thereto a new section, designated §33-25-8v; and to amend said code by adding thereto a new section, designated §33-25A-8y, all relating to requiring insurance coverage for clinical genetic testing for an inherited gene mutation and

evidenced-based cancer imaging; and providing that this testing is not subject to cost-sharing.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 858**—A Bill to amend and reenact §11-3-2a, §11-3-15b, §11-3-15c, §11-3-15d, §11-3-15e, §11-3-15f, §11-3-15g, §11-3-15h, §11-3-15i, §11-3-23a, §11-3-24, §11-3-24a, and §11-3-25b of the Code of West Virginia, 1931, as amended, all relating to clarifying filing requirements and deadlines for county assessors, county commissions, and the Office of Tax Appeals in property tax cases; and further clarifying the Office of Tax Appeals has jurisdiction over property tax cases.

Referred to the Committee on Government Organization.

**By Senator Grady:**

**Senate Bill 859**—A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to limiting persons required to pass appropriate West Virginia Board of Education approved basic skills and subject matter tests in the area for which licensure is being sought as a condition for the issuance of a professional teaching certificate.

Referred to the Committee on Education.

**By Senator Rucker:**

**Senate Bill 860**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5G-14a, relating to creating alternative high-risk population public charter schools; describing students of said schools; and scheduling data computation for school enrollment.

Referred to the Committee on School Choice; and then to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 861**—A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-3C-3 of said code, all relating to increasing support

and professional development for educators; expanding factors used to determine how funds for supporting county-level implementation of the comprehensive systems for teacher and leader induction and professional growth are allocated to the counties; authorizing retention of additional funding for 2024 – 2025 school year by Department of Education to distribute to the county boards for the purpose of contracting with organizations that facilitate the school districts' participation in regional professional learning cadres, or teacher leadership networks designed to support math and science improvement, or supported by the Department of Education; requiring certain amount of funds be retained beginning with 2025 – 2026 school year to distribute to the county boards for the purpose of expanding the school districts' ability to contract with organizations that facilitate the school districts' participation in regional professional learning cadres, or teacher leadership networks designed to support math and science improvement, or to support teachers who are less than fully certified for the teaching position in which they are employed; requiring the funds to be distributed to the county boards under a grant program to be established by the state board by rule; requiring the state board to ensure that the results on the comprehensive statewide student assessment for the students taught by each teacher are provided to that teacher; adding to topics to be addressed, the plan for implementation of a comprehensive system of support for improving professional practice; and requiring certain additional amounts paid to a teacher be only for the duration of any service provided and not be considered salary for the computation of an annuity under the Teachers Retirement System.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 862**—A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended, relating to changing the designation of the Division of Culture and History as a separate independent agency to an agency within the Executive Branch as the Department of Arts, Culture, and History.

Referred to the Committee on Government Organization.

**By Senators Barrett and Hunt:**

**Senate Bill 863**—A Bill to amend and reenact §11-17-2, §11-17-3, §11-17-4b, and §11-17-17 of the Code of West Virginia, 1931, as amended, all relating to applying an excise tax to e-cigarettes and other heated nicotine products from the tobacco excise tax.

Referred to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 864**—A Bill to amend and reenact §12-4-14 of the Code of West Virginia, 1931, as amended, all related to the Grant Transparency and Accountability Act; clarifying what grants are subject to reporting requirements; defining terms; and making technical clarifications.

Referred to the Committee on Finance.

**By Senator Woodrum:**

**Senate Bill 865**—A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact to amend §29-1-1 of said code, all relating to adding the Educational Broadcasting Authority as a section under the department, as a separate, but not independent agency; adding the Educational Broadcasting Commission to the list of citizens commissions; and changing reference to the Curator of the Department of Arts, Culture, and History to the Secretary of the Department; adding the Educational Broadcasting Authority as one of the eight sections within the Department of Arts, Culture, and History; and adding the Educational Broadcasting Commission as one of four citizens commissions existing within the Department of Arts, Culture, and History.

Referred to the Committee on Government Organization.

**By Senator Nelson:**

**Senate Bill 866**—A Bill to amend and reenact §12-6-4 of the Code of West Virginia, 1931, as amended, relating generally to West Virginia Investment Management Board governance; designating the State Treasurer as chairman of the board; requiring

the chairman to appoint the chief executive officer of the board subject to board approval; providing that the chief executive officer will serve until appointment of a successor, resignation, or board removal; authorizing the chairman to appoint a temporary chief executive officer without board approval to fill a vacancy for a period of time; and providing an internal effective date.

Referred to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 867**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25f, relating to allowing students to participate in non-school activities.

Referred to the Committee on Education.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 868**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Commerce, Geological and Economic Survey, fund 8704, fiscal year 2024, organization 0306, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senator Oliverio:**

**Senate Bill 869**—A Bill to amend and reenact §24-2F-8 of the Code of West Virginia, 1931, as amended, relating to commercial net metering standards for electricity supplied by an electric utility and electricity generated from a facility owned or leased and operated by a customer-generator; modifying definition of "cross-subsidization"; requiring the Public Service Commission to adopt a rule mandating electric utilities to provide full retail credit to customer-generators for electricity delivered to a utility under a net metering arrangement; and requiring the Public Service

Commission to increase the allowed kilowatt capacity to 1,000 kilowatts for commercial customer-generators.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 870**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, §16-67-6, §16-67-7, and §16-67-8; to amend said code by adding thereto a new section, designated §18-2-9b; to amend said code by adding thereto a new section, designated §18-5-29; to amend said code by adding thereto a new article, designated §18B-1G-1, §18B-1G-2, §18B-1G-3, §18B-1G-4, and §18B-1G-5; and to amend said code by adding thereto two new sections, designated §18B-14-5 and §18B-14-6, all relating to Restoring Sanity Act; relating to nondiscrimination; creating the Medical Personnel Protection Act; establishing purpose; defining terms; requiring certain certifications by a medical institution of higher education; requiring a medical institution of higher education to publish the titles and syllabi of all mandatory courses, seminars, classes, workshops, and training sessions; prohibiting internal diversity, equity, and inclusion audits or diversity, equity, and inclusion consultants; requiring standardized admissions tests as requirement for admission; establishing parameters for a medical institution of higher education to alter the academic standards for the admission of new students; imposing diversity, equity, and inclusion related requirement and restrictions on healthcare-related professional licensing boards and organizations that issue healthcare-related professional licenses and certifications; requiring medical providers and medical institutions of higher education to certify they do not and will not require ascription to, the study of, or instruction with, certain diversity, equity, and inclusion material; imposing requirements on a state entity applying for a federal healthcare-related grant related to diversity, equity, and inclusion; allowing action against a healthcare provider or medical institution of higher education for a violation of article; prohibiting a school district, a public charter school, the West Virginia Board of

Education, the West Virginia Department of Education, or any employee of the aforementioned entities from providing instruction in, requiring instruction in, making part of a course, or requiring a statement or affirmation by an employee of certain specified concepts; prohibiting a state institution of higher education or any of its employees from requiring a student or employee to take instruction in, or include in the curriculum of any required course, or require a statement or affirmation by any student or employee that certain specified concepts are factual and accurate or must be held as a belief of the student or employee; defining terms; recognizing that state institutions of higher education have an obligation to prohibit discrimination and have an obligation to protect the right to free speech; clarifying what is not prohibited; establishing public elementary and secondary school complaint and appeal procedures for alleged violations and complaint reporting procedures; requiring each campus to report to the Higher Education Policy Commission or the Council for Community and Technical College Education, a description of any violations; requiring certain information on the complaints filed and reported violations to be reported to the Legislative Oversight Commission on Education Accountability; providing that neither county board or public charter school employees are required to use a student's preferred pronoun when referring to the student if the preferred pronoun is not consistent with the student's biological sex; prohibiting state institutions of higher education from establishing, sustaining, supporting, or staffing a diversity, equity, and inclusion officer or office; defining terms; stating what prohibition does not cover or affect; prohibiting state institution of higher education from expending certain moneys until a report is filed with the Joint Committee on Education; requiring a new report to be filed on an annual basis; providing for enforcement; requiring reallocation of certain moneys that would have been expended on diversity, equity, and inclusion offices or officers to merit scholarships for lower-income and middle-income students and to reduce tuition and mandatory fees for resident students; stating effective date; declaring the policy of the state that the administrations of state institutions of higher education, and their administrative units, be officially neutral with regard to certain widely contested opinions; defining "diversity training"; prohibiting a diversity statement in

certain instances; prohibiting state institutions of higher education from giving preferential consideration to an applicant, student, staff member, or faculty member due to certain opinions expressed or actions taken.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

Senator Caputo offered the following resolution:

**Senate Concurrent Resolution 31**—Requesting the Joint Committee on Government and Finance study benefits associated with increasing paid parental leave for state employees.

Which, under the rules, lies over one day.

Senator Nelson offered the following resolution:

**Senate Resolution 47**—Recognizing the week of May 5-11, 2024, as Tardive Dyskinesia Awareness Week in West Virginia.

Which, under the rules, lies over one day.

Senator Takubo offered the following resolution:

**Senate Resolution 48**—Recognizing AARP of West Virginia and the many contributions they and their volunteers provide to the enhancement of our state and its people.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 30**, Honoring Hershel "Woody" Williams as one of two WV statues in National Statuary Hall Collection.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Finance.

**Senate Resolution 43**, Memorializing life of Honorable John Patton Fanning.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Maynard, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 43) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Maynard, Oliverio, Plymale, and Trump regarding the adoption of Senate Resolution 43 were ordered printed in the Appendix to the Journal.

At the request of Senator Takubo, unanimous consent being granted, at 11:38 a.m., the Senate recessed to present Senate Resolution 43.

The Senate reconvened at 11:43 a.m. and resumed business under the seventh order.

**Senate Resolution 44**, Designating February 19, 2024, as Pancreatic Cancer Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Hamilton, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

**Senate Resolution 45**, Recognizing 112th anniversary of Girl Scouts of USA.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Grady, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

**Senate Resolution 46**, Affirming support for preservation of certain historic buildings across state.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Maynard, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

At the request of Senator Trump, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

Senator Caputo requested unanimous consent that the remarks by Senator Trump as to the introduction of the Honorable Michael J. Romano, a former senator from the twelfth district, be ordered printed in the Appendix to the Journal.

Which consent was not granted, Senator Trump objecting.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 292**, Hunger-Free Campus Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Azinger and Martin—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 292) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Azinger and Martin—2.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 292) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 395**, Relating to valuation of industrial property and natural resources by Tax Commissioner.

On third reading, coming up in regular order, with the right having been granted on February 16, 2024, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules with the right to amend on third reading remaining in effect.

**Eng. Com. Sub. for Senate Bill 493**, Relating to use of criminal records as disqualification from authorization to practice particular profession.

On third reading, coming up in regular order, with the right having been granted on February 15, 2024, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules with the right to amend on third reading remaining in effect.

**Eng. Senate Bill 602**, Cardiac Emergency Response Plan Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 602) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 631**, Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees.

On third reading, coming up in regular order, with the right having been granted on February 15, 2024, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

**Eng. Senate Bill 687**, Clarifying Legislative Auditor's scope of authority.

On third reading, coming up in regular order, with the right having been granted on February 15, 2024, for amendments to be received on third reading, was read a third time.

On motion of Senator Woodrum, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page 2, section 4, line 9, after the word "erroneous", by inserting a comma and the word "extravagant,";

On page 2, section 4, line 10, after the word "unit;" by inserting the word "and";

On page 3, section 4, lines 31 through 35, by striking out all of subsection (d) and inserting in lieu thereof a new subsection (d), to read as follows:

(d) Upon completion of a post audit, the Legislative Auditor shall report his or her findings and recommendations to the Legislature's Post Audit Subcommittee and, after presentation, publish the report on the Post Audit Division website.;

On page 3, section 6, line 7, after the word "erroneous", by inserting the word "extravagant,";

And,

On page 8, section 7, lines 1 through 7, by striking out all of subsection (a) and inserting in lieu thereof a new subsection (a), to read as follows:

(a) The division shall conduct agency reviews of one or more state agencies each year. An agency review shall be conducted of each state agency at least once every 15 years. An agency review may be conducted more frequently than once in 15 years and may be conducted in the discretion, and at the direction, of the President of the Senate and the Speaker of the House of Delegates.

Following discussion,

The question being on the adoption of Senator Woodrum's amendments to the bill, the same was put and prevailed.

The bill, as just amended, was again ordered to engrossment.

Engrossed Senate Bill 687 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 687 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Clements, Deeds, Grady, Jeffries, Maroney, Nelson, Oliverio, Phillips, Queen, Roberts, Swope, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—20.

The nays were: Caputo, Chapman, Hamilton, Hunt, Karnes, Martin, Maynard, Plymale, Rucker, Smith, Stover, Stuart, Taylor, and Woelfel—14.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 687) passed.

On motion of Senator Woodrum, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Senate Bill 687**—A Bill to amend and reenact §4-2-3, §4-2-4, §4-2-6, and §4-2-8 of the Code of West Virginia, 1931, as amended; to repeal §4-2-5 of said code; to amend and reenact §4-3-3c of said code; to amend and reenact §4-10-3, §4-10-6, §4-10-

7, §4-10-9, and §4-10-10 of said code; and to repeal §4-10-8 of said code, all relating to the Legislative Auditor; establishing that auditor is responsible to Joint Committee on Government and Finance; clarifying that auditor may exercise powers at direction of Senate President or Speaker of the House of Delegates; restating authority of auditor to inspect properties, equipment, and records; providing for publication of post audit reports; prohibiting auditor from using external auditing entities to conduct audits except as directed by Senate President or Speaker; modifying obligations of auditor regarding budgetary matters; providing that committee has authority to hire employees to assist auditor in performance of obligations; clarifying hiring authority of committee; providing that department presentations are to be made at Senate President's or Speaker's direction; mandating that state agencies be reviewed within certain time period; eliminating requirement that agency and regulatory board reviews be conducted according to certain auditing standards; revising schedule of regulatory board reviews; and providing that agency and regulatory board reviews may be conducted more frequently than mandated.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Clements, Deeds, Grady, Jeffries, Maroney, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—26.

The nays were: Caputo, Chapman, Hamilton, Hunt, Karnes, Martin, Plymale, and Woelfel—8.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 687) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 732**, Requiring cooperation between law-enforcement agencies and military authorities.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Eng. Com. Sub. for House Bill 4756**, Creating a state Alzheimer's plan task force.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4756) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4756) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for House Bill 4782**, Preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses.

On third reading, coming up in regular order, with the right having been granted on February 16, 2024, for amendments to be received on third reading, was read a third time.

On motion of Senator Tarr, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 12. GENERAL AND SPECIFIC POWERS,  
DUTIES AND ALLIED RELATIONS OF  
MUNICIPALITIES, GOVERNING BODIES AND  
MUNICIPAL OFFICERS AND EMPLOYEES; SUITS  
AGAINST MUNICIPALITIES.**

**§8-12-5a. Limitations upon municipalities' power to restrict  
the purchase, possession, transfer, ownership, carrying,  
transport, sale, and storage of certain weapons and  
ammunition.**

(a) Neither a municipality nor the governing body of any municipality may, by ordinance or otherwise, limit the right of any person to purchase, possess, transfer, own, carry, transport, sell, or store any deadly weapon, firearm, or pepper spray, or any ammunition or ammunition components to be used therewith nor to so regulate the keeping of gunpowder so as to directly or indirectly prohibit the ownership of the ammunition in any manner inconsistent with or in conflict with state law.

(b) For the purposes of this section:

(1) "Deadly weapon" has the meaning provided in §61-7-2 of this code.

(2) "Firearm" has the meaning provided in §61-7-2 of this code.

(3) "Municipally owned or operated building" means any building that is used for the business of the municipality, such as a courthouse, city hall, convention center, administrative building, or other similar municipal building used for a municipal purpose permitted by state law: *Provided*, That "municipally owned or operated building" does not include a building owned by a municipality that is leased to a private entity where the municipality primarily serves as a property owner receiving rental payments.

(4) "Municipally owned recreation facility" means any municipal swimming pool, recreation center, sports facility, facility housing an after-school program, or other similar facility where children are regularly present.

(5) "Pepper spray" means a temporarily disabling aerosol that is composed partly of capsicum oleoresin and causes irritation, blinding of the eyes, and inflammation of the nose, throat, and skin that is intended for self-defense use.

(c)(1) A municipality may enact and enforce an ordinance or ordinances that prohibit or regulate the carrying or possessing of a deadly weapon, firearm, or pepper spray in municipally owned or operated buildings.

(2) A municipality may enact and enforce an ordinance or ordinances that prohibit a person from carrying or possessing a deadly weapon, firearm, or pepper spray openly or that is not lawfully concealed in a municipally owned recreation facility: *Provided*, That a municipality may not prohibit a person with a valid concealed handgun license from carrying an otherwise lawfully possessed firearm into a municipally owned recreation facility and securely storing the firearm out of view and access to

others during their time at the municipally owned recreation facility.

(3) A person may keep an otherwise lawfully possessed deadly weapon, firearm, or pepper spray in a motor vehicle in municipal public parking facilities if the vehicle is locked and the deadly weapon, firearm, or pepper spray is out of view.

(4) A municipality may not prohibit or regulate the carrying or possessing of a deadly weapon, firearm, or pepper spray on municipally owned or operated property other than municipally owned or operated buildings and municipally owned recreation facilities pursuant to subdivisions (1) and (2), subsection (b), of this section: *Provided*, That a municipality may prohibit persons who do not have a valid concealed handgun license from carrying or possessing a firearm on municipally owned or operated property.

(d) It shall be an absolute defense to an action for an alleged violation of an ordinance authorized by this section prohibiting or regulating the possession of a deadly weapon, firearm, or pepper spray that the person: (1) Upon being requested to do so, left the premises with the deadly weapon, firearm, or pepper spray or temporarily relinquished the deadly weapon, firearm, or pepper spray in response to being informed that his or her possession of the deadly weapon, firearm, or pepper spray was contrary to municipal ordinance; and (2) but for the municipal ordinance the person was lawfully in possession of the deadly weapon, firearm, or pepper spray.

(e) Any municipality that enacts an ordinance regulating or prohibiting the carrying or possessing of a deadly weapon, firearm, or pepper spray pursuant to subsection (c) of this section shall prominently post a clear statement at each entrance to all applicable municipally owned or operated buildings or municipally owned recreation facilities setting forth the terms of the regulation or prohibition.

(f) Redress for an alleged violation of this section may be sought through the provisions of §53-1-1 *et seq.* of this code, which

may include the awarding of reasonable attorney's fees and costs, if the petitioner prevails.

(g) For the purposes of §61-7-14 of this code, municipalities may not be considered a person charged with the care, custody, and control of real property.

(h) This section does not:

(1) Authorize municipalities to restrict the carrying or possessing of deadly weapons, firearm, or pepper spray, which are otherwise lawfully possessed, on public streets and sidewalks of the municipality; or

(2) Limit the authority of a municipality to restrict the commercial use of real estate ~~in designated areas~~ through planning or zoning ordinances; except that a municipality may not restrict or regulate a firearms or ammunitions related business entity in a manner more restrictive than the planning or zoning ordinances imposed upon any other retail business, nor shall a municipality place restrictions on quantity limitations regarding the lawful sale or servicing of any firearm or ammunition, any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or personal weapons other than firearms, including all indoor or outdoor shooting ranges.

(A) Any provision of an ordinance that is designed or enforced to effectively restrict or prohibit the sale, purchase, transfer, manufacture, repair, or display of firearms, ammunition, firearms accessories or components as that term is defined in §31A-2B-3 of this code, or personal defense tools or products other than firearms which are otherwise lawful under the laws of this state is void.

(B) A municipality may not use its planning or zoning powers solely to prohibit the sale of firearms, ammunition, firearms accessories or components as that term is defined in §31A-2B-3 of this code, or personal defense tools or products other than firearms within a prescribed distance of any other type of commercial property or of school property or other educational property.

Any person aggrieved by a violation of this subdivision may seek redress as provided in subsection (f) of this section.

Engrossed Committee Substitute for House Bill 4782, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Caputo—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4782) passed.

On motion of Senator Tarr, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 4782**—A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to limitations upon municipalities' power to restrict the sale and storage of weapons and ammunition; preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses; declaring ordinances which restrict or prohibit certain sales of firearms, firearms accessories or components, and other lawful personal defense tools or products as void; restricting a municipality from using its planning or zoning powers solely to prohibit the sale of firearms, firearms accessories or components, or lawful personal defense tools or products other than firearms within a prescribed distance of any other type of commercial property or of school property or other educational property; and providing remedies for violations.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 4832**, Relating to state superintendent's reports regarding the finances of school districts.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4832) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 5006**, Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Azinger—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 5006) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. House Bill 5261**, Relating to the definition of small arms for purposes of taxation.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 5261) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2024.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 5261) takes effect July 1, 2024.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. Com. Sub. for House Bill 5267**, Relating to the Deputy Sheriff Retirement System.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5267) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. Com. Sub. for House Bill 5273**, Relating to the Emergency Medical Services Retirement System and clarifying payment upon death of member with less than 10 years of contributory service.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson,

Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5273) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

**Senate Bill 574**, Supplemental appropriation to DOT, Division of Highways.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 637**, Prohibiting public disclosure of personal information on internet.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 649**, Clarifying per diem compensation for certain judges recalled to service.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 688**, Authorizing director of Division of Forestry to contract and manage forest land.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Com. Sub. for Senate Bill 690**, Establishing WV Agritourism Commission.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Senate Bill 696**, Supplementing and amending appropriations to Department of Homeland Security, Division of Emergency Management.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 700**, Supplementing and amending appropriations to Miscellaneous Boards and Commissions, Hospital Finance Authority.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 701**, Supplementing and amending appropriations to Department of Education, School Construction Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 703**, Supplementing and amending appropriations to Department of Homeland Security, WV State Police.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 707**, Supplementing and amending appropriations to Department of Commerce, Division of Natural Resources.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 708**, Supplementing and amending appropriations to Department of Agriculture, WV Spay Neuter Assistance Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 709**, Supplementing and amending appropriations to Department of Arts, Culture and History, National Coal Heritage Area Authority.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 710**, Supplementing and amending appropriations to State Board of Education, Aid for Exceptional Children.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 740**, Prohibiting digital manipulation of sexually explicit content to include minors.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 741**, Prohibiting creation, production, distribution or possession of artificially generated child pornography.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 752**, Authorizing Department of Agriculture to complete certain land transfers.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Com. Sub. for Com. Sub. for Senate Bill 453**, Requiring pricing and payment transparency from pharmacy benefits managers contracting with PEIA.

**Senate Bill 494**, Uniform Unlawful Restriction in Land Records Act.

**Com. Sub. for Senate Bill 533**, Allowing EMS agencies to triage, treat or transport patients to alternate destinations.

**Com. Sub. for Senate Bill 630**, Defining protections for election officials and election workers.

**Com. Sub. for Senate Bill 667**, Creating Physician Assistant Compact.

**Senate Bill 683**, Amending definition of "alternative fuel" under motor fuel excise tax.

**Com. Sub. for Senate Bill 722**, Revising examination of records relating to limited video lottery.

**Com. Sub. for Senate Bill 727**, Revising process for county boards of education to hire support staff.

**Com. Sub. for Senate Bill 738**, Authorizing State Fire Marshal to promulgate emergency rules relating to increased fees.

**Senate Bill 779**, Imposing deadlines for autopsies and autopsy reports.

**Com. Sub. for Senate Bill 785**, Allowing Foster Care Ombudsman access to child protective records.

And,

**Eng. House Bill 4860**, Providing that a general education teacher may not be responsible for accommodation logs.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on February 16, 2024:

**Com. Sub. for Senate Bill 493:** Senator Tarr;

And,

**Senate Bill 802:** Senator Jeffries.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 16, 2024:

**Senate Bill 174:** Senator Jeffries;

**Com. Sub. for Senate Bill 453:** Senator Phillips;

**Senate Bill 630:** Senator Hamilton;

**Senate Bill 683:** Senator Phillips;

**Senate Bill 813:** Senators Deeds, Tarr, Weld, and Taylor;

**Senate Bill 818:** Senator Caputo;

**Senate Bill 821:** Senators Woelfel and Plymale;

**Senate Bill 823:** Senator Deeds;

**Senate Bill 824:** Senator Caputo;

**Senate Bill 832:** Senator Phillips;

**Senate Bill 834:** Senator Plymale;

**Senate Bill 837:** Senator Woelfel;

**Senate Concurrent Resolution 30:** Senators Phillips, Plymale, Grady, and Woodrum;

**Senate Resolution 42:** Senator Nelson;

**Senate Resolution 44:** Senators Woelfel and Caputo;

**Senate Resolution 45:** Senators Caputo, Rucker, and Chapman;

And,

**Senate Resolution 46:** Senator Rucker.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:25 p.m., the Senate adjourned until tomorrow, Tuesday, February 20, 2024, at 11 a.m.

---

## TUESDAY, FEBRUARY 20, 2024

The Senate met at 11 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Amy N. Grady, a senator from the fourth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael T. Azinger, a senator from the third district.

Pending the reading of the Journal of Monday, February 19, 2024,

At the request of Senator Smith, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

**Eng. Senate Bill 790**, Changing reference to Curator of Department of Arts, Culture, and History to Cabinet Secretary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4297**—A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended; relating to recognizing the law-enforcement powers of correctional officers employed by the Division of Corrections and Rehabilitation; providing that such officers are not subject to certain certification requirements; authorizing the commissioner to consult with the Law Enforcement Professional Standards Subcommittee with regard to training; clarifying powers of arrest; and clarifying application of the federal Law Enforcement Officers Safety act to eligible employees.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4640**—A Bill to amend and reenact §29-22A-10d and §29-22A-10e of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22C-27a of said code, all relating to changes in distribution of racetrack video lottery net terminal income, racetrack video lottery excess net terminal income, and lottery racetrack table games adjusted gross receipts; restoring distributions to purse funds and development funds that have previously been redirected since 2014; and removing obsolete provisions.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4654**—A Bill to amend and reenact §61-8A-3 of the Code of West Virginia, 1931, as amended, relating to removing bona fide schools, public libraries, and museums from the list of exemptions from criminal liability relating to distribution and display to minor of obscene matter; and creating criminal penalties.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4807**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-111, relating to establishing limitations on billing practices of Internet or telecommunications providers that fail to provide subscribed customers service for five or more days (120 hours); requiring providers to automatically credit the customer's account for the lack of service proportional to the number of days disrupted services providers relating to customer outages; requiring credits to accounts; Attorney General to enforce; establishing civil penalties; and providing for a private right of action in limited circumstances.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4809**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1B-1, §35-1B-2, §35-1B-3, §35-1B-4, §35-1B-5, and §35-1B-6, all relating to creating the Health Care Sharing Ministries Freedom to Share Act; exempting a health care sharing ministry from the state's insurance laws; providing

definitions; setting forth requirements for health care sharing ministries to qualify for; providing that membership in a health care sharing ministry satisfies a requirement to have health care insurance by a public institution of higher education; and providing that a health care sharing ministry is not a third-party payer for any purposes.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4850**—A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended, relating to the valuation of industrial property and natural resources property by the Tax Commissioner; removing a sunset provision concerning valuation of property producing oil, natural gas, and natural gas liquids; and making technical corrections.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4911**—A Bill to amend and reenact §19-1-7 of the Code of West Virginia, 1931, as amended, relating to raw milk; removing the requirement of a herd share agreement; permitting the sale of raw milk; requiring certain information to be provided on the raw milk; and limiting liability.

Referred to the Committee on Agriculture and Natural Resources; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4978**—A Bill to repeal §5-14-1, §5-14-2, §5-14-3, §5-14-4, §5-14-5, §5-14-6, §5-14-7, §5-14-8, §5-14-9, §5-14-10 and §5-14-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-5A-4 of said code; to amend and reenact §16-1-5, §16-1-6, §16-1-7, §16-1-8, §16-1-9, §16-1-9a, §16-1-9c, §16-1-15, and §16-1-17 of said code; to amend and reenact §16-2-2, §16-2-5, §16-2-11, §16-2-12, and §16-2-13 of said code; to amend and reenact §16-2B-3 of said code; to amend and reenact §16-3-1, §16-3-2, §16-3-4, §16-3-4, §16-3-5, §16-3-6 and §16-3-12 of said code; to amend and reenact §16-3C-2 and §16-3C-8 of said code; to amend and reenact §16-3D-2, §16-3D-3, §16-3D-4, §16-3D-7, and §16-3D-9 of said code; to amend and reenact §16-4-21 of said code; to amend and reenact §16-4A-1 of said code; to amend and reenact §16-4C-2, §16-4C-3, §16-4C-4, §16-4C-5, §16-4C-6, §16-4C-6a, §16-4C-6b, §16-4C-8, §16-4C-8a, §16-4C-9, §16-4C-10, §16-4C-12, §16-4C-13, §16-4C-14, §16-4C-15, §16-4C-16, §16-4C-20, §16-4C-21, §16-4C-23, and §16-4C-24 of said code; to amend and reenact §16-4E-2 of said code; to amend and reenact §16-5-5, §16-5-11, and §16-5-22 of said code; to amend and reenact §16-5M-3 of said code; to amend and reenact §16-5U-3 of said code; to amend and reenact §16-9-2 and §16-9-3 of said code; to amend and reenact §16-9G-1 of said code; to amend said code by adding thereto a new article designated §16-14-1, §16-14-2, §16-14-3, §16-14-4, §16-14-5, §16-14-6, §16-14-7, §16-14-8, §16-14-9, §16-14-10 and §16-14-11; to amend and reenact §16-22-2 and §16-22-3 of said code; to amend and reenact §16-32-11 of said code; to amend and reenact §16-38-5 of said code; to amend and reenact §16-40-2, §16-40-4, §16-40-5, §16-40-6, §16-40-7, and §16-40-8 of said code; to amend and reenact §16-41-3 of said code; to amend and reenact §16-44-2 of said code; to amend and reenact §16-56-4 of said code; to amend and reenact §16A-11-1 and §16A-11-2 of said code; to amend and reenact §22B-2-1 of said code; to amend and reenact §22C-1-4 of said code; to amend and reenact §30-3-4 of said code; to amend and reenact §61-12-3 of said code; and to amend and reenact §61-12A-1 of said code, all relating to updating the authority of appointed officials; updating the powers of the Secretary of the Department of Health, updating the powers the Commissioner of the Bureau for Public Health, updating the

powers the state health officer; and organizing agencies under the appropriate entity; and removing antiquated provisions.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5013**—A Bill to amend and reenact §11-1C-2 of the Code of West Virginia, 1931, as amended, relating to amending the definition of managed timberland to be more inclusive of certain real estate by removing an exception to the program concerning subdivisions and planning ordinances; and clarifying the definition of the remaining exception to the program concerning property precluded from development.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5294**—A Bill to amend and reenact §60-1-5a of the Code of West Virginia, 1931, as amended; to amend and reenact §60-4-3b of said code; to amend and reenact §60-6-1 of said code; to amend and reenact §60-8-2, §60-8-3, §60-8-6c, and §60-8-32a of said code; to amend said code by adding thereto a new section, designated §60-8-8; and to amend and reenact §60-8A-5 of said code, all relating to revising and updating the code regulating farm wineries in West Virginia to allow the state's farm winery industry to be more competitive with farm wineries in adjacent states; creating new classes of farm winery based on volume of production; requiring that certain class-dependent percentages of fruit and agricultural products must be grown or produced on the farm winery and providing for exceptions and alternative ways of meeting these sourcing requirements; limiting certain county and local regulation of farm wineries; eliminating the requirement that farm winery samples be complimentary; revising allowable sample amounts; eliminating

the requirement that farm wineries selling wine by the glass and by the bottle for consumption on the premises be required to also serve prepared food and allowing pre-packaged food; revising winery and farm winery licensing; adding definition of farm winery; permitting West Virginia Farm Wineries with Class A licenses to sell and serve wine by the glass and bottle at West Virginia Fairs and Festivals; and removing the requirements that prepared food be provided and that samples be complimentary, and allowing for the provision of pre-packaged food for hard cider sales at farm wineries, all relating to revising and updating the code regulating farm wineries in West Virginia to allow the state's farm winery industry to be more competitive with farm wineries in adjacent states.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5337**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-3-19, and to repeal §31-20-26 of said code, all relating to establishing the legislative oversight committee of the Division of Corrections and Rehabilitation; clarifying that the legislative oversight committee shall be charged with the immediate and ongoing oversight of the Division of Corrections and Rehabilitation's juvenile detention facilities and adult correctional facilities; and providing for executive sessions of the committee in certain circumstances.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5528**—A Bill to amend and reenact §24-2-10 of the Code of West Virginia, 1931, as amended, relating to the renewable energy facilities program; modifying the allowable incremental size increase from 50 to 100 megawatts of generating capacity by regulated utilities under the program; and eliminating the sunset provision of the renewable energy facilities program.

Referred to the Committee on Economic Development.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**Com. Sub. for House Concurrent Resolution 6**—Requesting the Division of Highways name bridges number 28-077/00-002.95 (SB & NB) (28A113, 28A176), (37.30207, -81.09393) locally known as SOUTHBOUND and NORTHBOUND EAST RIVER BRIDGE, carrying IS 77 over East River NSRR CO 38/5 in Mercer County, the "U.S. Army Staff Sgt. James Ira "Junior" Spurrier Memorial Bridge".

Referred to the Committee on Transportation and Infrastructure.

### **Executive Communications**

The Clerk presented the following communication from His Excellency, the Governor, regarding bills approved by him:



*Jim Justice*  
*Governor of West Virginia*

February 19, 2024

The Honorable Lee Cassis, Clerk  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for Senate Bill No. Three Hundred (300), which was presented to me on February 13, 2024.

You will note that I have approved this bill on February 19, 2024.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate proceeded to the fourth order of business.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 583**, Relating to employer liability and damages in civil actions involving commercial motor vehicles.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 583** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new sections, designated §55-7-32, relating to employer liability and damages in civil actions based upon alleged negligence in the operation of commercial motor vehicles; defining terms; establishing monetary caps; and providing exceptions to applicability to established monetary caps.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the committee on the Judiciary.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 583) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 675**, Establishing accreditation deadline for convention and visitors bureaus.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 675** (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-18-13a of the Code of West Virginia, 1931, as amended, relating to accreditation of convention and visitors bureaus; providing time extension for certain bureaus to become accredited and still be eligible for distribution of hotel occupancy tax proceeds; and requiring all bureaus to obtain and maintain accreditation as requirement to receive distribution of net proceeds after certain date.

And,

**Senate Bill 730**, Clarifying compensation for county tax collector.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 730** (originating in the Committee on Government Organization)—A Bill to amend and reenact §11A-1-17 of the Code of West Virginia, 1931, as amended, relating to sheriff's commission for collection of taxes.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 675 and 730) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

**Senate Bill 681**, Revising service obligation for certain doctoral medical degree programs.

And,

**Senate Bill 763**, Exempting certain records from public release.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Ryan W. Weld,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (S. B. 681 and 763) contained in the preceding report from the Committee on Military were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

**Senate Bill 685**, Continuing and updating Board of Risk and Insurance Management.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 685** (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §29-12-3 of the Code of West Virginia, 1931, as amended, relating to the creation, composition, qualifications, and compensation of the State Board of Risk and Insurance Management; continuing the board; providing for voting membership of the board; providing qualifications of members; providing procedures for appointment of members; providing initial appointment terms of members; providing terms of subsequent appointment of members; providing procedures for vacancy, expiration of term, and removal of members; providing end date for term of members appointed prior to the effective date of the reenactment of this section; authorizing reappointment of any qualified member appointed prior to the effective date of the reenactment; providing that Insurance Commissioner shall serve as non-voting board secretary; and providing for compensation of board members.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 685) contained in the preceding report from the Committee on Banking and Insurance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 724**, Allowing license plates, road signs, or markers be obtained from alternative sources.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 724** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §15A-4-15 of the Code of West Virginia, 1931, as amended, relating to allowing license plates, road signs, and markers to be obtained from sources other than the Division of Corrections and Rehabilitation.

And,

**Senate Bill 754**, Requiring car dealerships to utilize search engines to determine if buyers have valid motor vehicle insurance.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 754** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17D-2A-6a of the Code of West Virginia, 1931, as amended, relating to allowing new and used motor vehicle dealerships in this state to utilize a search engine to determine if prospective buyers of vehicles have valid motor vehicle insurance.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 724 and 754) contained in the preceding report from the Committee on Transportation and Infrastructure were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 768**, Providing exception for sharing of confidential child welfare records.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 768) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 773**, Expanding powers of National Park Service law-enforcement officers.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 773** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §20-7-1b of the Code of West Virginia, 1931, as amended, relating to requiring the Director of the Division Natural Resources to enter into written agreements with federal agencies in the state with law-enforcement duties on and in federal lands located within the boundaries of West Virginia to enforce state laws therein; establishing the position of special natural resources police officers; establishing authority and limitations thereon of special natural resources police officers; and

setting forth necessary qualifications of the special natural resources police officers.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 773) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

**Senate Bill 802**, Updating consumer credit and protection laws on certain agricultural vehicles and equipment.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Bill Hamilton,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 802) contained in the preceding report from the Committee on Agriculture and Natural Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 834**, Increasing number of members for Motor Vehicle Dealers Advisory Board.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 834) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 838**, Requiring lending institutions to utilize DMV electronic lien system under certain circumstances.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 838) contained in the preceding report from

the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

**Senate Concurrent Resolution 32** (originating in the Committee on Banking and Insurance)—Requesting the Joint Committee on Government and Finance study the potential establishment of a state depository for bullion and specie and the creation of transactional currency based on gold and silver.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

**Eng. Com. Sub. for House Bill 5057**, To raise the threshold for nominal referral fees from \$25 to \$100.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

At the request of Senator Tarr, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate proceeded to the sixth order of business.

Senator Takubo offered the following resolution:

**Senate Resolution 49**—Recognizing the World Scouting Museum.

Which, under the rules, lies over one day.

Senators Blair (Mr. President), Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, and Woodrum offered the following resolution:

**Senate Resolution 50**—Designating February 21, 2024, as West Virginia History Day at the Legislature, and recognizing the work of all the history heroes and the many willing workers in hundreds of organizations throughout the state who volunteer hundreds of thousands of hours to help educate the public about the Mountain State's unique heritage and who help to preserve the past for future generations.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 31**, Requesting Joint Committee on Government and Finance study benefits associated with increasing paid parental leave for state employees.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Finance.

**Senate Resolution 47**, Recognizing week of May 5-11, 2024, as Tardive Dyskinesia Awareness Week.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Nelson, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

**Senate Resolution 48**, Recognizing AARP of WV for many contributions provided to enhance our state and its people.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 574**, Supplemental appropriation to DOT, Division of Highways.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 574) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 574) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 631**, Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees.

On third reading, coming up in regular order, with the right having been granted on February 15, 2024, for amendments to be received on third reading, was read a third time.

On motion of Senator Tarr, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **CHAPTER 16. PUBLIC HEALTH.**

### **ARTICLE 13. SEWAGE WORKS AND STORMWATER WORKS.**

**§16-13-16. Rates for service; deposit required for new customers; forfeiture of deposit; reconnecting deposit; tenant's deposit; change or readjustment; hearing; lien and recovery; discontinuance of services.**

A governing body has the power and duty, by ordinance, to establish and maintain just and equitable rates, fees, or charges for the use of and the service rendered by:

(a) Sewerage works, to be paid by the owner of each lot, parcel of real estate or building that is connected with and uses the works by or through any part of the sewerage system of the municipality or that in any way uses or is served by the works; and

(b) Stormwater works, to be paid by the owner of each lot, parcel of real estate or building that in any way uses or is served by the stormwater works or whose property is improved or protected by the stormwater works or any user of such stormwater works.

(c) The governing body may change and readjust the rates, fees, or charges from time to time. However, no rates, fees, or charges for stormwater services may be assessed against highways, road and drainage easements or stormwater facilities constructed, owned, or operated by the West Virginia Division of Highways.

(d) All new applicants for service shall indicate to the governing body whether they are an owner or tenant with respect to the service location. An entity providing stormwater service shall provide a tenant a report of the stormwater fee charged for the entire property and, if appropriate, that portion of the fee to be assessed to the tenant.

(e) (1) The governing body may collect from all new applicants for service a deposit of \$50 or two twelfths of the average annual usage of the applicant's specific customer class, whichever is greater, to secure the payment of service rates, fees, and charges in the event they become delinquent as provided in this section. In any case where a deposit is forfeited to pay service rates, fees, and charges which were delinquent at the time of disconnection or termination of service, service may not be reconnected or reinstated by the governing body until another deposit equal to \$50 or a sum equal to two twelfths of the average usage for the applicant's specific customer class, whichever is greater, is remitted to the governing body. After 12 months of prompt payment history, the governing body shall return the deposit to the customer or credit

the customer's account with interest at a rate as the Public Service Commission may prescribe: *Provided*, That where the customer is a tenant, the governing body is not required to return the deposit until the time the tenant discontinues service with the governing body. Whenever any rates, fees, rentals, or charges for services or facilities furnished remain unpaid for a period of 20 days after they become due, the user of the services and facilities provided is delinquent. The user is liable until all rates, fees, and charges are fully paid. The governing body may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water services to a delinquent user of sewer facilities 10 days after the sewer services become delinquent regardless of whether the governing body utilizes the security deposit to satisfy any delinquent payments: *Provided, however*, That nothing contained within the rules of the Public Service Commission may require agents or employees of the governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(2) The water service for a user may not be shut off or discontinued for the nonpayment of a stormwater fee if the stormwater fee is billed separately from the water or sewer fee but, the governing body may impose a lien pursuant to subsection (k) of this section.

(f) The rates, fees, or charges shall be sufficient in each year for the payment of the proper and reasonable expense of operation, repair, replacements and maintenance of the works and for the payment of the sums herein required to be paid into the sinking fund. Revenues collected pursuant to this section shall be considered the revenues of the works.

(g) No such rates, fees, or charges may be established until after a public hearing, at which all the users of the works and owners of property served or to be served thereby and others interested shall have an opportunity to be heard concerning the proposed rates, fees or charges.

(h) After introduction of the ordinance fixing the rates, fees or charges, and before the same is finally enacted, notice of the

hearing, setting forth the proposed schedule of rates, fees or charges, shall be given by publication as a Class I legal advertisement in compliance with §59-3-1 *et seq.* of this code and the publication area for the publication shall be the municipality. The first publication shall be made at least five days before the date fixed in the notice for the hearing.

(i) After the hearing, which may be adjourned, from time to time, the ordinance establishing rates, fees or charges, either as originally introduced or as modified and amended, shall be passed and put into effect. A copy of the schedule of the rates, fees, and charges shall be kept on file in the office of the board having charge of the operation of the works, and also in the office of the clerk of the municipality, and shall be open to inspection by all parties interested. The rates, fees, or charges established for any class of users or property served shall be extended to cover any additional premises thereafter served which fall within the same class, without the necessity of any hearing or notice.

(j) Any change or readjustment of the rates, fees, or charges may be made in the same manner as the rates, fees, or charges were originally established as hereinbefore provided: *Provided*, That if a change or readjustment be made substantially pro rata, as to all classes of service, no hearing or notice shall be required. The aggregate of the rates, fees, or charges shall always be sufficient for the expense of operation, repair and maintenance and for the sinking fund payments.

(k) All rates, fees, or charges, if not paid when due, shall constitute a lien upon the premises served by the works. If any service rate, fee, or charge is not paid within 20 days after it is due, the amount thereof, together with a penalty of 10 percent and a reasonable attorney's fee, may be recovered by the board in a civil action in the name of the municipality. The lien may be foreclosed against the lot, parcel of land, or building in accordance with the laws relating thereto. Where both water and sewer services are furnished by any municipality to any premises, the schedule of charges may be billed as a single amount or individually itemized and billed for the aggregate thereof.

(l) Whenever any rates, rentals, fees or charges for services or facilities furnished shall remain unpaid for a period of 20 days after they become due, the property and the owner thereof, as well as the user of the services and facilities shall be delinquent until such time as all rates, fees, and charges are fully paid. When any payment for rates, rentals, fees, or charges becomes delinquent, the governing body may use the security deposit to satisfy the delinquent payment.

(m) The board collecting the rates, fees, or charges shall be obligated under reasonable rules to shut off and discontinue both water and sewer services to all delinquent users of water or sewer ~~or stormwater~~ facilities and shall not restore either water facilities or sewer facilities to any delinquent user of any such facilities until all delinquent rates, fees, or charges for water or sewer ~~and stormwater~~ facilities, including reasonable interest and penalty charges, have been paid in full, as long as the actions are not contrary to any rules or orders of the Public Service Commission: *Provided*, That nothing contained within the rules of the Public Service Commission may be considered to require any agents or employees of the municipality or governing body to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill: *Provided, however, That nonpayment of a stormwater fee is not grounds to shut off or discontinue water services to a user unless the stormwater fee is billed with the water or sewer fee.*

## ARTICLE 13A. PUBLIC SERVICE DISTRICTS.

### **§16-13A-9. Rules; service rates and charges; discontinuance of service; required water and sewer connections; lien for delinquent fees.**

(a)(1) The board may make, enact, and enforce all needful rules in connection with the acquisition, construction, improvement, extension, management, maintenance, operation, care, protection, and the use of any public service properties owned or controlled by the district. The board shall establish, in accordance with this article, rates, fees, and charges for the services and facilities it furnishes, which shall be sufficient at all times, notwithstanding the

provisions of any other law or laws, to pay the cost of maintenance, operation, and depreciation of the public service properties and principal of and interest on all bonds issued, other obligations incurred under the provisions of this article, and all reserve or other payments provided for in the proceedings which authorized the issuance of any bonds under this article. The schedule of the rates, fees, and charges may be based upon:

(A) The consumption of water or gas on premises connected with the facilities, taking into consideration domestic, commercial, industrial, and public use of water and gas;

(B) The number and kind of fixtures connected with the facilities located on the various premises;

(C) The number of persons served by the facilities;

(D) Any combination of paragraphs (A), (B), and (C) of this subdivision; or

(E) Any other basis or classification which the board may determine to be fair and reasonable, taking into consideration the location of the premises served and the nature and extent of the services and facilities furnished. However, no rates, fees, or charges for stormwater services may be assessed against highways, road, and drainage easements or stormwater facilities constructed, owned, or operated by the West Virginia Division of Highways.

(2) The board of a public service district with at least 4,500 customers and annual combined gross revenue of \$3 million providing water or sewer service separately or in combination may make, enact, and enforce all needful rules in connection with the enactment or amendment of rates, fees, and charges of the district. At a minimum, these rules shall provide for:

(A) Adequate prior public notice of the contemplated rates, fees, and charges by causing a notice of intent to effect such a change to be provided to the customers of the district for the month immediately preceding the month in which the contemplated change is to be considered at a hearing by the board. The notice shall include a statement that a change in rates, fees, and charges is

being considered, the time, date, and location of the hearing of the board at which the change will be considered, and that the proposed rates, fees, and charges are on file at the office of the district for review during regular business hours. The notice shall be printed on, or mailed with, the monthly billing statement, or provided in a separate mailing.

(B) Adequate prior public notice of the contemplated rates, fees, and charges by causing to be published, after the first reading and approval of a resolution of the board considering the revised rates, fees, and charges but not less than one week prior to the public hearing of the board on the resolution, as a Class I legal advertisement, of the proposed action, in compliance with the provisions of §59-3-1 *et seq.* of this code. The publication area for publication shall be all territory served by the district. If the district provides service in more than one county, publication shall be made in a newspaper of general circulation in each county that the district provides service.

(C) The public notice of the proposed action shall summarize the current rates, fees, and charges and the proposed changes to said rates, fees, and charges; the date, time, and place of the public hearing on the resolution approving the revised rates, fees, and charges, and the place or places within the district where the proposed resolution approving the revised rates, fees, and charges may be inspected by the public. A reasonable number of copies of the proposed resolution shall be kept at the place or places and be made available for public inspection. The notice shall also advise that interested parties may appear at the public hearing before the board and be heard with respect to the proposed revised rates, fees, and charges.

(D) The resolution proposing the revised rates, fees, and charges shall be read at two meetings of the board with at least two weeks intervening between each meeting. The public hearing may be conducted by the board prior to, or at, the meeting at which the resolution is considered for adoption on the second reading.

(E) Rates, fees, and charges approved by resolution of the board shall be forwarded in writing to the county commission with

the authority to appoint the members of the board. The county commission shall publish notice of the proposed revised rates, fees, and charges by a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code. Within 45 days of receipt of the proposed rates, fees, and charges, the county commission shall take action to approve, modify, or reject the proposed rates, fees, and charges, in its sole discretion. If, after 45 days, the county commission has not taken final action to approve, modify, or reject the proposed rates, fees, and charges, as presented to the county commission, the proposed rates, fees, and charges shall be effective with no further action by the board or county commission. In any event, this 45-day period shall be mandatory unless extended by the official action of both the board proposing the rates, fees, and charges, and the appointing county commission.

(F) Enactment of the proposed or modified rates, fees, and charges shall follow an affirmative vote by the county commission and shall be effective no sooner than 45 days following action. The 45-day waiting period may be waived by public vote of the county commission only if the commission finds and declares the district to be in financial distress such that the 45-day waiting period would be detrimental to the ability of the district to deliver continued and compliant public services.

(G) The public service district, or a customer aggrieved by the changed rates or charges who presents to the circuit court a petition signed by at least 750 customers or 25 percent of the customers served by the public service district, whichever is fewer, when dissatisfied by the approval, modification, or rejection by the county commission of the proposed rates, fees, and charges under the provisions of this subdivision may file a complaint regarding the rates, fees, and charges resulting from the action of, or failure to act by, the county commission in the circuit court of the county in which the county commission sits: *Provided*, That any complaint or petition filed hereunder shall be filed within 30 days of the county commission's final action approving, modifying, or rejecting the rates, fees, and charges, or the expiration of the 45-day period from the receipt by the county commission, in writing, of the rates, fees, and charges approved by resolution of the board,

without final action by the county commission to approve, modify, or reject the rates, fees, and charges, and the circuit court shall resolve the complaint: *Provided, however*, That the rates, fees, and charges so fixed by the county commission, or those adopted by the district upon which the county commission failed to act, shall remain in full force and effect, until set aside, altered, or amended by the circuit court in an order to be followed in the future.

(3) Where water, sewer, stormwater, or gas services, or any combination thereof, are all furnished to any premises, the schedule of charges may be billed as a single amount for the aggregate of the charges. The board shall require all users of services and facilities furnished by the district to designate on every application for service whether the applicant is a tenant or an owner of the premises to be served. If the applicant is a tenant, he or she shall state the name and address of the owner or owners of the premises to be served by the district. Notwithstanding the provisions of §24-3-8 of this code to the contrary, all new applicants for service shall deposit the greater of a sum equal to two twelfths of the average annual usage of the applicant's specific customer class or \$50 with the district to secure the payment of service rates, fees, and charges in the event they become delinquent as provided in this section. If a district provides both water and sewer service, all new applicants for service shall deposit the greater of a sum equal to two twelfths of the average annual usage for water service or \$50 and the greater of a sum equal to two twelfths of the average annual usage for wastewater service of the applicant's specific customer class or \$50. In any case where a deposit is forfeited to pay service rates, fees, and charges which were delinquent at the time of disconnection or termination of service, no reconnection or reinstatement of service may be made by the district until another deposit equal to the greater of a sum equal to two twelfths of the average usage for the applicant's specific customer class or \$50 has been remitted to the district. After 12 months of prompt payment history, the district shall return the deposit to the customer or credit the customer's account at a rate as the Public Service Commission may prescribe: *Provided*, That where the customer is a tenant, the district is not required to return the deposit until the time the tenant discontinues service with the district. Whenever any rates, fees,

rentals, or charges for services or facilities furnished remain unpaid for a period of 20 days after the same become due and payable, the user of the services and facilities provided is delinquent and the user is liable at law until all rates, fees, and charges are fully paid. The board may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water or gas services to all delinquent users of either water or gas facilities, or both, 10 days after the water or gas services become delinquent: *Provided, however,* That nothing contained within the rules of the Public Service Commission may be considered to require any agents or employees of the board to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill; *Provided further,* the water service for a user may not be shut off or discontinued for the nonpayment of a stormwater fee if the stormwater fee is billed separately from the water or sewer fee but, the governing body may impose a lien pursuant to subsection (k) of this section.

(b) If any publicly or privately owned utility, city, incorporated town, other municipal corporation or other public service district included within the district owns and operates separate water facilities, sewer facilities, or stormwater facilities, and the district owns and operates another kind of facility, either water or sewer, or both, as the case may be, then the district and the publicly or privately owned utility, city, incorporated town or other municipal corporation, or other public service district shall covenant and contract with each other to shut off and discontinue the supplying of water service for the nonpayment of sewer ~~or stormwater~~ service fees and charges: *Provided,* That any contracts entered into by a public service district pursuant to this section shall be submitted to the Public Service Commission for approval. Any public service district which provides water and sewer service, water and stormwater service or water, sewer, and stormwater service has the right to terminate water service for delinquency in payment of water or sewer ~~or stormwater~~ bills. Where one public service district is providing sewer service and another public service district or a municipality included within the boundaries of the sewer or stormwater district is providing water service and the district providing sewer or stormwater service experiences a

delinquency in payment, the district or the municipality included within the boundaries of the sewer or stormwater district that is providing water service, upon the request of the district providing sewer or stormwater service to the delinquent account, shall terminate its water service to the customer having the delinquent sewer ~~or stormwater~~ account: *Provided, however,* That any termination of water service must comply with all rules and orders of the Public Service Commission: *Provided further,* That nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the public service districts to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill: *And provided further,* That the water service for a user may not be shut off or discontinued for the nonpayment of a stormwater fee if the stormwater fee is billed separately from the water or sewer fee but, the governing body may impose a lien pursuant to subsection (k) of this section.

(c) Any district furnishing sewer facilities within the district may require or may, by petition to the circuit court of the county in which the property is located, compel or may require the Bureau for Public Health to compel all owners, tenants, or occupants of any houses, dwellings, and buildings located near any sewer facilities where sewage will flow by gravity or be transported by other methods approved by the Bureau for Public Health, including, but not limited to, vacuum and pressure systems, approved under the provisions of §16-1-9 of this code, from the houses, dwellings, or buildings into the sewer facilities, to connect with and use the sewer facilities and to cease the use of all other means for the collection, treatment, and disposal of sewage and waste matters from the houses, dwellings, and buildings where there is gravity flow or transportation by any other methods approved by the Bureau for Public Health, including, but not limited to, vacuum and pressure systems, approved under the provisions of §16-1-9 of this code and the houses, dwellings, and buildings can be adequately served by the sewer facilities of the district and it is declared that the mandatory use of the sewer facilities provided for in this subsection is necessary and essential for the health and welfare of the inhabitants and residents of the districts and of the state. If the public service district requires the

property owner to connect with the sewer facilities even when sewage from dwellings may not flow to the main line by gravity and the property owner incurs costs for any changes in the existing dwellings' exterior plumbing in order to connect to the main sewer line, the public service district board shall authorize the district to pay all reasonable costs for the changes in the exterior plumbing, including, but not limited to, installation, operation, maintenance, and purchase of a pump or any other method approved by the Bureau for Public Health. Maintenance and operation costs for the extra installation should be reflected in the users charge for approval of the Public Service Commission. The circuit court shall adjudicate the merits of the petition by summary hearing to be held not later than 30 days after service of petition to the appropriate owners, tenants, or occupants.

(d) Whenever any district has made available sewer facilities to any owner, tenant, or occupant of any house, dwelling, or building located near the sewer facility and the engineer for the district has certified that the sewer facilities are available to and are adequate to serve the owner, tenant, or occupant and sewage will flow by gravity or be transported by other methods approved by the Bureau for Public Health from the house, dwelling, or building into the sewer facilities, the district may charge, and the owner, tenant, or occupant shall pay, the rates and charges for services established under this article only after 30 days' notice of the availability of the facilities has been received by the owner, tenant, or occupant. Rates and charges for sewage services shall be based upon actual water consumption or the average monthly water consumption based upon the owner's, tenant's, or occupant's specific customer class.

(e) The owner, tenant, or occupant of any real property may be determined and declared to be served by a stormwater system only after each of the following conditions is met: (1) The district has been designated by the Environmental Protection Agency as an entity to serve a West Virginia Separate Storm Sewer System community, as defined in 40 C. F. R. § 122.26; (2) the district's authority has been properly expanded to operate and maintain a stormwater system; (3) the district has made available a stormwater

system where stormwater from the real property affects or drains into the stormwater system; and (4) the real property is located in the Municipal Separate Storm Sewer System's designated service area. It is further hereby found, determined, and declared that the mandatory use of the stormwater system is necessary and essential for the health and welfare of the inhabitants and residents of the district and of the state. The district may charge and the owner, tenant, or occupant shall pay the rates, fees, and charges for stormwater services established under this article only after 30 days' notice of the availability of the stormwater system has been received by the owner. An entity providing stormwater service shall provide a tenant a report of the stormwater fee charged for the entire property and, if appropriate, that portion of the fee to be assessed to the tenant.

(f) All delinquent fees, rates, and charges of the district for either water facilities, sewer facilities, gas facilities, or stormwater systems or stormwater management programs are liens on the premises served of equal dignity, rank, and priority with the lien on the premises of state, county, school, and municipal taxes. Nothing contained within the rules of the Public Service Commission may require agents or employees of the public service districts to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill. In addition to the other remedies provided in this section, public service districts are granted a deferral of filing fees or other fees and costs incidental to the bringing and maintenance of an action in magistrate court for the collection of delinquent water, sewer, stormwater, or gas bills. If the district collects the delinquent account, plus reasonable costs, from its customer or other responsible party, the district shall pay to the magistrate the normal filing fee and reasonable costs which were previously deferred. In addition, each public service district may exchange with other public service districts a list of delinquent accounts: *Provided*, That an owner of real property may not be held liable for the delinquent rates or charges for services or facilities of a tenant, nor may any lien attach to real property for the reason of delinquent rates or charges for services or facilities of a tenant of the real property unless the owner has contracted directly with the public service district to purchase the services or facilities.

(g) Anything in this section to the contrary notwithstanding, any establishment, as defined in §22-11-3 of this code, now or hereafter operating its own sewage disposal system pursuant to a permit issued by the Department of Environmental Protection, as prescribed by §22-11-11 of this code, is exempt from the provisions of this section.

(h) Notwithstanding any code provision to the contrary, a public service district may accept payment for all fees and charges due, in the form of a payment by a credit or check card transaction or a direct withdrawal from a bank account. The public service district may set a fee to be added to each transaction equal to the charge paid by the public service district for use of the credit or check card or direct withdrawal by the payor. The amount of the fee shall be disclosed to the payor prior to the transaction and no other fees for the use of a credit or check card or direct withdrawal may be imposed upon the payor and the whole of the charge or convenience fee shall be borne by the payor: *Provided*, That to the extent a public service district desires to accept payments in the forms described in this subsection and does not have access to the equipment or receive the services necessary to do so, the public service district shall first obtain three bids for services and equipment necessary to affect the forms of transactions described in this subsection and use the lowest qualified bid received. Acceptance of a credit or check card or direct withdrawal as a form of payment shall comport with the rules and requirements set forth by the credit or check card provider or banking institution.

## **CHAPTER 24. PUBLIC SERVICE COMMISSION.**

### **ARTICLE 3. DUTIES AND PRIVILEGES OF PUBLIC UTILITIES SUBJECT TO REGULATIONS OF COMMISSION.**

#### **§24-3-10. Termination of water service for delinquent sewer bills.**

(a) In the event that any publicly or privately owned utility, city, incorporated town, municipal corporation, or public service district owns and operates either water facilities or sewer facilities,

and a privately owned public utility or a public utility that is owned and operated by a homeowners' association owns and operates the other kind of facilities, either water or sewer, then the privately owned public utility or the homeowners' association may contract with the publicly or privately owned utility, city, incorporated town, or public service district which provides the other services to shutoff and discontinue the supplying of water service for the nonpayment of sewer service fees and charges.

(b) Any contracts entered into by a privately owned public utility or by a public utility that is owned and operated by a homeowners' association pursuant to this section must be submitted to the Public Service Commission for approval.

(c) Any privately owned public utility or any public utility that is owned and operated by a homeowners' association which provides water and sewer service to its customers may terminate water service for delinquency in payment of either water or sewer bills.

(d) Where a privately owned public utility or a public utility that is owned and operated by a homeowners' association is providing sewer service and another utility is providing water service, and the privately owned public utility or the homeowners' association providing sewer service experiences a delinquency in payment, the utility providing water service, upon the request of the homeowners' association or the privately owned public utility providing sewer service to the delinquent account, shall terminate its water service to the customer having the delinquent sewer account.

(e) Any termination of water service must comply with all rules and orders of the Public Service Commission. Nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the water or sewer utility to accept payment at the customer's premises in lieu of discontinuing water service for a delinquent water or sewer bill.

(f) A publicly or privately owned utility, city, incorporated town, municipal corporation, or public service district that owns or

operates water facilities, or a public utility that is owned and operated by a homeowners' association that owns or operates water facilities may not discontinue or shut off water service to its customers for delinquency in payment of stormwater fees or charges, nor may it contract with any other utility, public or private, to which it provides water service to terminate water service to customers of the other utility for delinquency in the payment of stormwater services fees and charges unless the stormwater fee is billed simultaneously with the water or sewer fee. A utility providing stormwater services is not prohibited by this subsection from placing a lien for delinquent stormwater service fees and charges on the premises being served.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 631 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 631) passed.

On motion of Senator Tarr, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for Senate Bill 631**—A Bill to amend and reenact §16-13-16 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-13A-9 of said code; and to amend and reenact §24-3-10 of said code, all relating to prohibiting utilities from shutting off a certain user's water service for nonpayment of

stormwater fees in certain circumstances; prohibiting municipal utilities from discontinuing water service to certain users delinquent in stormwater services fees and charges but allowing lien on premises served in certain circumstances; prohibiting public service districts from discontinuing water service to certain users delinquent in stormwater service fees and charges but imposing lien on premises served in certain circumstances; and prohibiting privately or publicly owned utility from discontinuing water service, or contracting with other utilities to discontinue water service, for delinquency in stormwater services fees and charges in certain circumstances but allowing lien on premises served.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 637**, Prohibiting public disclosure of personal information on internet.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 637) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 649**, Clarifying per diem compensation for certain judges recalled to service.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 649) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 688**, Authorizing director of Division of Forestry to contract and manage forest land.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 19, 2024, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

**Eng. Com. Sub. for Senate Bill 690**, Establishing WV Agritourism Commission.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 19, 2024, for

amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

**Eng. Senate Bill 696**, Supplementing and amending appropriations to Department of Homeland Security, Division of Emergency Management.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 696) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 696) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 700**, Supplementing and amending appropriations to Miscellaneous Boards and Commissions, Hospital Finance Authority.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 700) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 700) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 701**, Supplementing and amending appropriations to Department of Education, School Construction Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Taylor—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 701) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Taylor—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 701) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 703**, Supplementing and amending appropriations to Department of Homeland Security, WV State Police.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 703) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 703) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 707**, Supplementing and amending appropriations to Department of Commerce, Division of Natural Resources.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 707) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 707) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 708**, Supplementing and amending appropriations to Department of Agriculture, WV Spay Neuter Assistance Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 708) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 708) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 709**, Supplementing and amending appropriations to Department of Arts, Culture and History, National Coal Heritage Area Authority.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 709) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 709) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 710**, Supplementing and amending appropriations to State Board of Education, Aid for Exceptional Children.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 710) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 710) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 740**, Prohibiting digital manipulation of sexually explicit content to include minors.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 740 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 740) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 741**, Prohibiting creation, production, distribution or possession of artificially generated child pornography.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 741) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 752**, Authorizing Department of Agriculture to complete certain land transfers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 752) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Com. Sub. for Senate Bill 453**, Requiring pricing and payment transparency from pharmacy benefits managers contracting with PEIA.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 494**, Uniform Unlawful Restriction in Land Records Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 533**, Allowing EMS agencies to triage, treat or transport patients to alternate destinations.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 630**, Defining protections for election officials and election workers.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 667**, Creating Physician Assistant Compact.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 683**, Amending definition of "alternative fuel" under motor fuel excise tax.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 711**, Clarifying that qualified law enforcement from any federal agency may enforce state laws under limited circumstances.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 722**, Revising examination of records relating to limited video lottery.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 727**, Revising process for county boards of education to hire support staff.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Grady, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On pages 3 and 4, section 5, lines 44 through 63, by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) A faculty senate may establish a process for members to interview or otherwise obtain information regarding applicants for classroom teaching, aide, and early childhood classroom assistant teacher vacancies that will enable the faculty senate to submit recommendations regarding employment to the principal. To facilitate the establishment of a process that is timely, effective, consistent among schools and counties, and designed to avoid litigation or grievance, the state board shall promulgate a rule pursuant to ~~article three-b, chapter twenty-nine-a~~ §29A-3B-1 et seq. of this code to implement the provisions of this subdivision. The rule shall require that any process established pursuant to this subdivision include the participation and input of one service person when information regarding applicants for aide or early childhood classroom assistant teacher vacancies is being obtained; that the service person not be a bus driver; that the service person be an aide or an early childhood classroom assistant teacher when possible; that the service person be employed at the school with the vacancy; and that no service person applying for the position be

included in the process beyond his or her role as an applicant for the position. The rule also may include the following:

(A) A process or alternative processes that a faculty senate may adopt;

(B) If determined necessary, a requirement and procedure for training for principals, ~~and~~ faculty senate members or their designees, and service personnel who may participate in interviews and provisions that may provide for the compensation based on the appropriate daily rate of a classroom teacher or of a service person, as applicable, who directly participates in the training for periods beyond his or her individual contract;

(C) Timelines that will assure the timely completion of the recommendation or the forfeiture of the right to make a recommendation upon the failure to complete a recommendation within a reasonable time;

(D) The authorization of the faculty senate to delegate the process for making a recommendation to a committee of no less than three members of the faculty senate plus one service person meeting the requirements of this subdivision when information regarding applicants for aide or early childhood classroom assistant teacher vacancies is being obtained; and

(E) Such other provisions as the state board determines are necessary or beneficial for the process to be established by the faculty senate.;

On page 7, section 8b, line 35 after the word "duties", by inserting the words "including the participating service person required pursuant to §18-5A-5 of this code";

On page 8, section 8b, lines 53 and 54 by striking out the words "recommendation of the faculty senate, if any, shall be double weighted" and inserting in lieu thereof the words "recommendation, if any, of the faculty senate with the participation and input of the service person required pursuant to §18-5A-5 of this code shall be double weighted";

On page 8, section 8b, line 58, after the word "senate" by inserting the words "with the input and participation of the service person required pursuant to §18-5A-5 of this code";

And,

On page 8, section 8b, line 63, after the word "teacher" by inserting the words "and service person".

The bill (Com. Sub. for S. B. 727), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 738**, Authorizing State Fire Marshal to promulgate emergency rules relating to increased fees.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 779**, Imposing deadlines for autopsies and autopsy reports.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 785**, Allowing Foster Care Ombudsman access to child protective records.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Eng. House Bill 4860**, Providing that a general education teacher may not be responsible for accommodation logs.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

On pages 2 and 3, section 1c, by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision (2), to read as follows:

(2) Make accommodations and modifications for the student, if needed or identified, to help the student succeed in the class or program: Provided, That the general education teacher shall utilize the supplementary services documentation sheet on days when accommodations were made. All accommodations of the students shall be discussed before placement, and it is the responsibility of the general education and special education instructor to monitor the student's progress.

This requirement includes, but is not limited to, teachers of music, musical education, art, driver education and other instruction offered.

The bill (Eng. H. B. 4860), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 5295,** Authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **CHAPTER 8. MUNICIPAL CORPORATIONS.**

### **ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.**

#### **§8-12-26. Authorizing municipalities to create private outdoor designated areas.**

(a) In addition to all other powers and duties conferred by law upon municipalities, municipalities are empowered and authorized to pass an ordinance establishing private outdoor designated areas as described in §60-7-8g of this code.

(b) The municipality shall include in the ordinance, at a minimum, ~~all of~~ the following:

(1) Requirements for the purpose of ensuring compliance with all state and municipal laws, and public health and safety within a private outdoor designated area;

(2) The proposed outdoor designated area or proposed licensed premises shall be indicated on a submitted map or survey in sufficient detail to identify the boundaries of the area, subject to the limitations in subsection (b) of this section;

(3) A general statement of the nature and types of qualified permit holders that may operate within the proposed outdoor designated area;

(4) That certain public property that is legally demarcated by the ordinance is within the proposed private outdoor designated area and such area ~~is in compliance~~ complies with the comprehensive plan or zoning ordinances of the municipality, if the municipality has so adopted, for the consumption of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer;

(5) The specific boundaries of the private outdoor designated area, including street addresses;

(6) The number, spacing, and type of signage ~~designating~~ identifying the private outdoor designated area;

(7) The days and hours of operation for the private outdoor designated area which may not be greater than, but may be less than authorized by §11-16-1 *et seq.* and ~~chapter 60~~ §60-1-1 *et seq.* of this code, but may be less than;

(8) The estimated number of personnel needed to ensure public safety and efficient operations in the private outdoor designated area;

(9) A sanitation plan that will help maintain the appearance and public health of the private outdoor designated area, including the number of restrooms and trash receptacles;

(10) A requirement that liquor, wine, nonintoxicating beer, and nonintoxicating craft beer be served in non-glass containers, not greater than 18 fluid ounces, approved by the municipality and the commissioner as set forth in §60-7-8g of this code; and

(11) Public health and safety measures, and requirements to meet compliance with current health permitting and zoning requirements.

(c) The municipality shall provide to the commissioner notice of the approval of the private outdoor designated area and identify the qualified permit holders that will be applying for permits set forth in §60-7-8g of this code. As set forth in §60-7-2a of this code, a private outdoor designated area may simultaneously have multiple qualified permit holders as defined in §60-7-1 *et seq.* of the code, and is expressly authorized.

(d) The municipality shall be responsible for ensuring compliance with its ordinances and compliance with all criminal laws associated with the operation of a private outdoor designated area. The municipality shall provide the commissioner copies of all non-compliance and violations. The commissioner shall ensure all qualified permit holders operate in accordance with requirements set forth in §11-16-1 *et seq.* and chapter 60 of this code.

(e) The municipality shall have the authority to dissolve a private outdoor designated area by ordinance and further may suspend a private outdoor designated area immediately when in the interest of public safety.

## **CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.**

**ARTICLE 7. LICENSES TO PRIVATE CLUBS.****§60-7-2a. Dual licensing permitted; conditions.**

(a) A private coliseum or center may permit a private fair and festival licensee to conduct the temporary special event, authorized by that license, within, or on the private coliseum or center licensee's licensed premises, in order to create tourism opportunities that will promote brewers, resident brewers, wineries, farm wineries, distilleries, mini-distilleries, and micro-distilleries in this state.

(b) A private coliseum or center licensee may host a special event for a private fair and festival licensee on the licensee's licensed premises if both licensees are in good standing with the commissioner and submit to the commissioner the temporary floorplan revisions of the private coliseum or center in which the special event would be held to comprise the special event's lawful premises, which shall only include spaces in buildings or rooms of the private coliseum or center's licensed premises. By contractual agreement between the private coliseum or center licensee and the private fair and festival licensee, the parties shall agree that the private coliseum or center maintains control of its licensed premises, but for a set contracted rental time period. The private fair and festival licensee shall safely account for the ingress and egress of the stated members and guests who will be attending the special event at the licensed premises. During the contracted rental time period, the private fair and festival licensee is wholly responsible and liable for the proper sale and serving of alcoholic liquors and nonintoxicating beer in the area designated as the private fair and festival's temporary floorplan, as set forth in this section. The private fair and festival's temporary floorplan shall comprise the private fair and festival's licensed premises for the temporary special event, which is authorized for the lawful sale, service, and consumption of alcoholic liquors and nonintoxicating beer throughout the private fair and festival's licensed premises during this dually licensed temporary special event: *Provided*, That the private fair and festival's licensed premises dually shared and licensed with the private coliseum or center shall:

- (1) Have facilities to prepare and serve food and alcohol;
  - (2) Have adequate restrooms and sufficient building facilities for the expected number of members and guests attending the event;
  - (3) Comply with all other requirements of its license in this article; and
  - (4) Comply with health, fire, safety, and zoning requirements.
- (c) There is no limit on the number of private fair and festivals that may be held at a private coliseum or center.
- (d) The ability for a private outdoor designated area as defined in §8-12-26 of the code to simultaneously have multiple qualified permit holders as defined in §60-7-1 *et seq.* of the code, is expressly authorized.

**§60-7-8a. Special license for a private fair and festival; licensee fee and application; license fee; license subject to provisions of article; exception.**

- (a) There is hereby created a special license designated Class S2 private fair and festival license for the retail sale of alcoholic liquors and nonintoxicating beer, and nonintoxicating craft beer for on-premises consumption.
- (b) To be eligible for the license authorized by subsection (a) of this section, the private fair, ~~and~~ festival, or other event shall:
- (1) Be sponsored, endorsed, or approved by the governing body or its designee of the county or municipality in which the private fair, ~~and~~ festival, or other event is located;
  - (2) Make application with the commissioner at least 15 days prior to the private fair, festival, or other event;
  - (3) Pay a nonrefundable non-prorated license fee of \$500; and
  - (4) Be approved by the commissioner to operate the private fair, festival, or other event.

(c) A private fair and festival license under this section shall be for a duration of no more than 10 consecutive days.

(d) Nonintoxicating beer and nonintoxicating craft beer sold, furnished, tendered, or served for on-premises consumption by the private fair and festival pursuant to the license created by this section shall be purchased from licensed distributors that service the area in which the private fair and festival is held or from a resident brewer acting in a limited capacity as a distributor, all in accordance with §11-16-1 *et seq.* of this code. Sealed containers of nonintoxicating beer or nonintoxicating craft beer may be sold for off-premises consumption if the nonintoxicating beer and nonintoxicating craft beer is being sold by an authorized brewer or resident brewer, as set forth in §11-16-6a(d) of this code, who manufactures the nonintoxicating beer or nonintoxicating craft beer in this state. The off-premises consumption sales shall be made pursuant to a written agreement between the private fair and festival and an authorized brewer or resident brewer. Prior to the start of the private fair or festival, an authorized brewer or resident brewer who agrees to offer off-premises consumption sales of their nonintoxicating beer or nonintoxicating craft beer from a booth or other facility on the private fair and festival's licensed premises must meet the requirements of §11-16-6a(d) of this code. The written agreement with each authorized brewer or resident brewer shall account for lawful sales of nonintoxicating beer and nonintoxicating craft beer sold for off-premises consumption as set forth in §11-16-1 *et seq.* of this code. The authorized and approved brewer, resident brewer, or its licensed representatives may give or sell approved promotional items to private fair and festival members and guests, but not to the private fair and festival's volunteers, independent contractors, or employees.

(e) Wine or hard cider sold, furnished, tendered, or served for on-premises consumption by the private fair and festival pursuant to the license created by this section shall be purchased from a licensed wine or hard cider distributor or farm winery in accordance with §60-8-1 *et seq.* of this code and §60-8A-1 *et seq.* of this code, as applicable. Sealed containers of wine or hard cider may be sold for off-premises consumption if the wine or hard cider

is being sold by an authorized winery or farm winery, as set forth in §60-4-3b(m) and §60-8A-5(c) of this code, who manufactures ~~that~~ the wine or hard cider in this state. The off-premises consumption sales shall be made pursuant to a written agreement between the private fair and festival and an authorized winery or farm winery. An authorized winery or farm winery who agrees to offer their wine or hard cider for off-premises consumption sales from a booth or other facility on the private fair and festival's licensed premises prior to the start of the private fair or festival shall meet the requirements of §60-4-3b(m) and §60-8A-5(c) of this code, as applicable. The written agreement with each authorized winery or farm winery shall account for lawful sales of wine or hard cider sold for off-premises consumption as set forth in §60-8-1 *et seq.* of this code and §60-8A-1 *et seq.* of this code, as applicable. The authorized and approved winery, farm winery, or its licensed representatives may give or sell approved promotional items to private fair and festival members and guests, but not to the private fair and festival's volunteers, independent contractors, or employees.

(f) Liquor sold, furnished, tendered, or served for on-premises consumption by the private fair and festival pursuant to the license created by this section shall be purchased from a licensed retail liquor outlet in the market zone or contiguous market zone where the private fair or festival is occurring, all in accordance with §60-3A-1 *et seq.* of this code. Sealed containers of liquor may be sold for off-premises consumption if the liquor is being sold by an authorized distillery, mini-distillery, or micro-distillery, as set forth in §60-4-3a of this code, who manufactures their liquor in this state. Off-premises consumption sales shall comply with §60-3A-17 of this code and §60-4-3a(c) of this code shall not apply to these sales. The off-premises consumption sales shall be made pursuant to a written agreement between the private fair and festival and an authorized distillery, mini-distillery, or micro-distillery. An authorized licensed distillery, mini-distillery, or micro-distillery who agrees to offer off-premises consumption sales of their manufactured liquor from a booth or other facility on the private fair and festival's licensed premises prior to the start of the private fair, festival, or other event must meet the requirements as set forth

in §60-4-3a of this code. The written agreement with each authorized distillery, mini-distillery, or micro-distillery shall account for lawful sales of liquor sold for off-premises consumption as set forth in §60-3A-1 of this code. An authorized and approved distillery, mini-distillery, micro-distillery, or its licensed representatives may give or sell approved promotional items to private fair and festival members and guests, but not to the private fair and festival's volunteers, independent contractors, or employees.

(g) A licensee authorized by this section may use bona fide employees, volunteers, or, in limited circumstances, licensed representatives to sell, furnish, tender, or serve the nonintoxicating beer, nonintoxicating craft beer, wine, liquor, or hard cider.

(h) Licensed representatives of an authorized and approved brewer, resident brewer, beer distributor, wine distributor, wine supplier, winery, farm winery, distillery, mini-distillery, micro-distillery, and liquor broker representatives may attend a private fair and festival and discuss their respective products but shall not engage in the selling, furnishing, tendering, or serving of any nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, or liquor. However, licensed representatives of a brewer, resident brewer, winery, farm winery, distillery, mini-distillery, or micro-distillery that has agreed in writing to conduct sampling and off-premises consumption sales of their respective licensee's products at the private fair and festival, may discuss their respective products and engage in the limited giving of complimentary samples in accordance with §11-16-6a (c) and (d), §60-4-3a (a) and (b), and §60-4-3b (b) and (m) of this code; and the selling of sealed bottles or cans of their respective nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, or liquor products for off-premises consumption. All taxes and fees must be paid on lawful sales.

(i) A license issued under this section and the licensee are subject to all other provisions of this article and the rules and orders of the commissioner: *Provided*, That the commissioner may by rule or order allow certain waivers or exceptions with respect to those provisions, rules, or orders as the circumstances of each private fair

and festival require, including, without limitation, the right to revoke or suspend immediately any license issued under this section prior to any notice or hearing, notwithstanding §60-7-13a of this code: *Provided, however,* That under no circumstances may the provisions of §60-7-12 of this code be waived or an exception granted with respect thereto.

(j) Dual licensing is permitted for private fairs and festivals pursuant to §60-7-2a of this code, including, but not limited to, dual licensing simultaneous to any other qualified permit holders as defined in §60-7-1 *et seq.* of the code.

(k) A private fair and festival licensee who executes a written agreement with a licensed brewer, resident brewer, winery, farm winery, distillery, mini-distillery, micro-distillery, or their licensed representatives is jointly liable and responsible for any violations of this article.

(l) A private fair and festival licensee who executes a written agreement with a licensed brewer, resident brewer, winery, farm winery, distillery, mini-distillery, or micro-distillery to conduct limited off-premises consumption sales shall not have any pecuniary interest, share, or percentage in any sales of sealed nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, or liquor.

(m) A private fair and festival licensee who executes a written agreement with a licensed brewer, resident brewer, winery, farm winery, distillery, mini-distillery, or micro-distillery to conduct limited off-premises consumption sales may charge them a flat booth rental fee.

(n) A private fair and festival licensee, licensed brewer, resident brewer, winery, farm winery, distillery, mini-distillery, micro-distillery, or their licensed representatives who permits members or guests to consume, on the private fair and festival's licensed premises, any nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, or liquor, that was purchased as an off-premises consumption sale, shall have their respective license

immediately suspended, and that conduct is grounds for revocation of their license.

**§60-7-8g. Special permit for a qualified permit holder in a private outdoor designated area; license fee and application; license subject to provisions of article.**

~~(a) There is hereby created a special permit designated Class S4 for a qualified permit holder operating in a private outdoor designated area approved by a municipality as set forth in §8-12-26 of this code for the consumption of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer for on premises consumption at a certain public property designated as a private outdoor designated area where multiple private club license type licensees who apply and obtain a qualified permit holder permit shall share liability and responsibility. Each qualified permit holder may sell, furnish, or serve liquor, wine, nonintoxicating beer, and nonintoxicating craft beer as provided in this section.~~

(a) There is hereby created a special permit, designated Class S4, for the sale of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer in a private outdoor designated area that has been approved by a municipality pursuant to §8-12-26 of this code. Each Class S4 permittee may sell, furnish, or serve liquor, wine, nonintoxicating beer, and nonintoxicating craft beer as provided in this section.

(b) Definitions:

(1) "Private outdoor designated area" means public property that has become a legally demarcated area established by a municipal ordinance as set forth in §8-12-26 of this code for the consumption of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer.

(2) "Qualified permit holder" means the holder of a Class A, Class B, or Class S2 license issued under §60-7-1 et seq. of this code issued under this article that elects to operate within a private outdoor designated area, and that a Class S4 license pursuant to §60-7-1 et seq. of this code.

(c) To be eligible for the license authorized by subsection (a) of this section, the qualified permit holder shall:

(1) Operate in a private outdoor designated area created by municipal ordinance as set forth in §8-12-26 of this code, and provide the commissioner a copy of the certified ordinance from the municipality;

(2) Apply to the commissioner for the special permit prior to operating in an approved private outdoor designated area on an application provided by the commissioner;

(3) Pay a nonrefundable non-prorated annual license fee of \$100 to the commissioner;

(4) Be in compliance with all state and federal laws and be in good standing with the commissioner;

(5) Be approved by the municipality to operate in the private outdoor designated area;

(6) Provide the days and hours of operation in the private designated area which cannot exceed the stated private club hours of operation;

(7) Provide, in conjunction with the municipality, adequate restroom facilities, whether permanent or portable, to serve the members and guests who will be attending the private outdoor designated area;

~~(8) Provide an executed agreement between all qualified permit holders stating that each qualified permit holder is jointly and severally liable for any improper acts or conduct committed in the operation of the private outdoor designated area in conjunction with operation of their Class A license;~~

~~(9)~~(8) Provide a security plan for the private outdoor designated area indicating: All qualified permit holders' licensed premises where alcohol will be served in approved non-glass containers; all entrances and exits in order to verify members', patrons', and guests' ages, and to assess whether a member, patron, or guest is under 21 years of age or intoxicated; and a plan to

provide for the public health and safety of members, patrons, and guests;

~~(10)~~(9) Provide a floorplan for the private outdoor designated area indicating a legally demarcated area that is bounded or utilizes signage to safely account for the ingress and egress of members, patrons, and guests who will be within the private outdoor designated area and also be permitted to carry liquor, wine, nonintoxicating beer, and nonintoxicating craft beer on and off of the qualified permit holders' licensed premises and within the private outdoor designated area when contained in an approved non-glass container. The private outdoor designated area's floorplan does comprise a separate licensed premises authorized only for the lawful consumption of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer throughout the licensed premises when lawfully purchased from a qualified permit holder;

~~(11)~~ (10) Meet and be subject to all other private club license type requirements;

~~(12)~~ (11) Provide a plan to prevent members, guests, and patrons from bringing, consuming, or selling alcohol not in an approved non-glass container in the private outdoor designated area; and

(12) Use an age verification system approved by the commissioner.

~~(e)~~ (d) As set forth in §8-12-26 of this code a municipality may, by ordinance, establish a private outdoor designated area where the municipality may zone, set requirements, and establish conditions for safe operation of private outdoor designated area by qualified permit holders.

~~(d)~~ (e) A municipality shall be responsible for the enforcement of any criminal violations occurring in a private outdoor designated area and shall report such violations to commissioner for a determination of any violation of §11-16-1 *et seq.* and chapter 60 of this code.

~~(e)~~ (f) The commissioner shall enforce any violations of §11-16-1 *et seq.* and chapter 60 of this code committed by qualified

permit holders against their permit and their Class A, Class B, or Class S2 license.

(f) (g) A qualified permit holder that is separately authorized for an outdoor dining area or sidewalk dining area may continue to operate those areas in conjunction with the private outdoor designated area subject to the commissioner's requirements. Notwithstanding any other section of the code, a private outdoor designated area is authorized to simultaneously host multiple qualified permit holders as defined in §60-7-1 et seq. of the code.

(g) (h) A licensee permitted under this section is subject to all other provisions of this article and the rules and orders of the commissioner: *Provided*, That the commissioner may, by rule or order, allow certain waivers or exceptions with respect to those provisions, rules, or orders as required by the circumstances of for the operation of qualified permit holders in each private outdoor designated area. The commissioner may revoke or suspend immediately any permit issued under this section prior to any notice or hearing, notwithstanding §60-7-13a of this code: *Provided, however*, That under no circumstances may the provisions of §60-7-12 of this code be waived or an exception granted with respect thereto.

The bill (Eng. Com. Sub. for H. B. 5295), as amended, was then ordered to third reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Queen and Plymale.

At the request of Senator Queen, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of Ryan Lantz, a staff member at Liberty High School in Clarksburg, West Virginia, who was struck by a vehicle in the school parking lot earlier today.

At the request of Senator Plymale, and by unanimous consent, the Senate then stood in observance of a moment of silence in recognition of the passing of Charles H. McKown, Jr., M.D., former Dean of the Marshall University Joan C. Edwards School of Medicine.

The Senate proceeded to the thirteenth order of business.

The following communications were reported by the Clerk:

The Senate of West Virginia  
Charleston

LEE CASSIS  
CLERK OF THE SENATE



STATE CAPITOL, ROOM XL-211  
1900 KANAWHA BOULEVARD, EAST  
CHARLESTON, WV 25305-0800  
304-357-7800

February 19, 2024

The Honorable Jim Justice, II  
Governor, State of West Virginia  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, have been examined and found truly enrolled:

**S. B. 171**, Prohibiting county commissions from adopting authorization that exceeds state law regarding agriculture operations;

**And,**

**Com. Sub. for S. B. 354**, Relating to the WV Advanced Energy and Economic Corridor Authority.

These bills are presented to you on this day, February 19, 2024.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lee Cassis".

Lee Cassis  
Clerk of the Senate

C: The Honorable Stephen J. Harrison  
Clerk of the House of Delegates

**West Virginia House of Delegates**

OFFICE OF THE CLERK  
BUILDING 1, SUITE 212  
1900 KANAWHA BLVD., EAST  
CHARLESTON 25305

STEPHEN J. HARRISON  
CLERK OF THE HOUSE

(304) 340-3200  
STEVE.HARRISON@WVHOUSE.GOV

February 19, 2024

The Honorable Jim Justice, II  
Governor, State of West Virginia  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Governor Justice,

The following bill, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, has been examined and found truly enrolled:

**Com. Sub. for H. B. 4801**, Relating generally to the banking authority of the State Treasurer's Office.

This bill is presented to you on this day, February 19, 2024.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Stephen J. Harrison".

Stephen J. Harrison  
Clerk of the House of Delegates

C: The Honorable Lee Cassis  
Clerk of the Senate

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on February 19, 2024:

**Senate Bill 638:** Senator Maroney;

**Senate Bill 828:** Senator Woodrum;

**Senate Bill 829:** Senator Woodrum;

And,

**Senate Bill 830:** Senator Woodrum.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 19, 2024:

**Senate Bill 184:** Senator Maroney;

**Senate Bill 673:** Senator Maroney;

**Senate Bill 674:** Senator Maroney;

**Senate Bill 681:** Senators Deeds and Maroney;

**Senate Bill 684:** Senator Maroney;

**Senate Bill 692:** Senator Maroney;

**Senate Bill 712:** Senator Maroney;

**Senate Bill 754:** Senator Plymale;

**Senate Bill 756:** Senator Maroney;

**Senate Bill 765:** Senator Maroney;

**Senate Bill 768:** Senators Rucker and Stuart;

**Senate Bill 773:** Senator Deeds;

**Senate Bill 799:** Senator Woelfel;

**Senate Bill 802:** Senator Taylor;

**Senate Bill 821:** Senator Maroney;

**Senate Bill 831:** Senator Maroney;

**Senate Bill 865:** Senators Woelfel and Maroney;

**Senate Bill 867:** Senator Rucker;

**Senate Bill 870:** Senators Taylor, Karnes, and Roberts;

**Senate Concurrent Resolution 30:** Senators Taylor and Rucker;

**Senate Concurrent Resolution 31:** Senator Woelfel;

And,

**Senate Resolution 48:** Senators Taylor, Woelfel, and Rucker.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:09 p.m., the Senate adjourned until tomorrow, Wednesday, February 21, 2024, at 11 a.m.

---

## WEDNESDAY, FEBRUARY 21, 2024

The Senate met at 11:17 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Mark R. Maynard, a senator from the sixth district.

The Sons of the American Revolution proceeded in the presenting of the Colors. The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael A. Oliverio II, a senator from the thirteenth district.

Pending the reading of the Journal of Tuesday, February 20, 2024,

At the request of Senator Maroney, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Senate Bill 507**, Relating to repeal of WV EDGE.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4971**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6M-1, §11-6M-2, §11-6M-3, §11-6M-4, and §11-6M-5, all relating to limiting property tax on critical materials manufacturing property; making a declaration of policy; providing definitions; providing for property tax treatment of critical materials manufacturing property as its salvage value; providing for rule making authority and administration by the Tax Commissioner; and providing an effective date for assessments on or after July 1, 2024.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5017**—A Bill to amend and reenact §16-2-18 of the Code of West Virginia, 1931, as amended, relating to mobile food establishment reciprocity.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5082**—A Bill to amend and reenact §33-12-8 of the Code of West Virginia, 1931, as amended, relating to creating an exception to certain continuing-education requirements for certain holders of insurance licenses; providing that persons who have held an insurance license for 25 continuous years or more are exempt from continuing-education requirements; providing that holders of insurance licenses who fall under the exception are still permitted to attend continuing-education courses; providing that persons qualifying for the exemption are still required to meet any continuing-education requirements that pertain to ethics.

Referred to the Committee on Banking and Insurance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5159**—A Bill to repeal §21-6-3 and §21-6-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-6-5 and §21-6-8 of said code; to repeal §21-6-8a of said code; and to amend and reenact §21-6-10 of said code, all relating to eliminating requirement that 14 or 15 year old obtain a work permit; establishing that employer seeking to hire a child 14 or older receive an age certificate from the commission prior to employing the child; providing commissioner the authority to issue age certificates for children ages 14 and over; and providing penalties for a person that issues an age certificate in violation of the article.

Referred to the Committee on the Workforce; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5175**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-16-6; to amend and reenact §18C-3-4 of said code; to repeal §30-7A-7a of said code; and to repeal §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, and §30-7B-7 of said code, all relating to abolishing the Center for Nursing; repealing the supplemental licensure fee for licensed practical nurses, which funds the Center for Nursing; creating within the Higher Education Policy Commission an Office of Nursing Education and Workforce Development; moving the functions of the Center for Nursing to the Office of Nursing Education and Workforce Development; changing name of Center for Nursing Fund to Nursing Scholarship and Workforce Fund; transferring certain fund-related duties from the vice chancellor for administration to the chancellor; modifying funding sources for the fund; and limiting application of the award eligibility requirement that a student in a registered nurse program have completed half of the program to only those students in pre-licensure programs.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5223**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-22, relating to creating the Southern Coalfield Resiliency and Revitalization Program for a period of five years; defining terms; finding that there are challenges facing the counties in which the southern coalfields are located; establishes the Southern Coalfield Resiliency and Revitalization Program; provides that the program will terminate five years after this section goes into effect; establishing revitalization council to organize and prioritize state resources and technical assistance for these counties; directing revitalization council to develop strategies

to stimulate economic activity in and around the municipalities in Boone, Logan, McDowell, Mingo, and Wyoming counties in coordination with certain contributing partners to the extent possible; directing revitalization council to annually report to the Governor and the Legislature; directing Department of Economic Development and revitalization council to facilitate economic development incentives for the counties in which the southern coalfields are located; authorizing Department of Economic Development or other state body to provide state property and equipment to businesses investing in the counties of the southern coalfield area of the state at a reduced cost; providing that the program shall prioritize and West Virginia's natural resources, industries, business, raw materials, agricultural commodities, and reliable forms of energy.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5540**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, creating the Fentanyl Prevention and Awareness Education Act; requiring annual education of public school students in grades 6-12; setting forth methods of instruction; and mandating start date of instruction.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5549**—A Bill to amend and reenact §15A-4-15 of the Code of West Virginia, 1931, as amended, relating to allowing license plates to be obtained from alternative sources

when the Division of Corrections and Rehabilitation is unable to produce them.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5553**—A Bill to amend and reenact §18-2-7c and §18-2-9 the Code of West Virginia, 1931, as amended, relating to requiring all West Virginia high school students to pass certain minimum one-half credit hours in personal finance and computer science and technology courses as a high school graduation requirement; defining computer science; establishing computer science course requirements; requiring the state board of education to modify computer science standards; and establishing rulemaking to establish licensing requirements for computer science teachers.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5650**—A Bill to amend and reenact §18A-2-8 of the Code of West Virginia, 1931, as amended, relating to permitting a suspended employee to attend public events on school property and enter the school under certain circumstances.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of the following resolutions:

**House Concurrent Resolution 2**—Requesting the Division of Highways name Bridge Number: 41-001/00-008.93 () (41A262), (37.94584, -81.41310) locally known as AMEAGLE BRIDGE NO. 2, carrying CR 01 over CLEAR FORK in Raleigh County, as the "U.S. Army SPC Steven W. Herron Memorial Bridge".

**Com. Sub. for House Concurrent Resolution 3**—Requesting the Division of Highways name bridge number 08-016/00-007.44 (08A040), (38.35407, -81.14921) locally known as SYCAMORE CK BR 7.44, carrying WV 16 over SYCAMORE CREEK in Clay County as the "Legg Brothers WWII Veterans Memorial Bridge".

**House Concurrent Resolution 5**—Requesting the Division of Highways name Bridge Number: 28-034/01-002.89 () (28A093), (37.34752, -81.10763) locally known as the Willowbrook Bridge, carrying CR 34/01 over Brush Creek in Mercer County, the "George M. Hall Memorial Bridge".

**Com. Sub. for House Concurrent Resolution 9**—Requesting the Division of Highways name a section of WV Route 46, locally known as the Beryl Road and Shaw Road extending from the North Branch of the Potomac River at Piedmont WV to the Kantor Cutoff between 39.47994830263841, -79.06627907466128 and 39.427643533576884, -79.09318170874904, the "Private Jefferson Howell Memorial Road".

**House Concurrent Resolution 11**—Requesting the Division of Highways name a bridge bearing Bridge Number: 43-047/00-012.61 (43A203), (39.08363, -81.13852) locally known as Beatrice Girder Bridge, carrying WV 47 over INDIAN CREEK in Ritchie County as the "VFD Gregory Linn Haught Memorial Bridge".

**House Concurrent Resolution 14**—Requesting the Division of Highways name WV County Route 9 "Knobley Road" from the Intersection of WV 46 in Mineral County, 39.42856825760402, -78.92824325494573 following WV County Route 9 "Knobley Road" north to the intersection of WV County Route 9/3 "Reeves Road", 39.47173628860812, -78.88864608955976 as the "Assistant Chief David Timothy "Tim" Wilson Memorial Road".

**House Concurrent Resolution 15**—Requesting the Division of Highways name a bridge bearing Bridge Number: 41-077/00-028.93 (SB) (41A211), (37.61497, -81.12015) locally known as I-77 SB OVER 48, carrying IS 77 over Route 48 in Raleigh County as the "USMC Private Timith Daley Nunn Memorial Bridge".

**House Concurrent Resolution 16**—Requesting the Division of Highways name bridge number 25-091/00-001.24 (25A274), locally known as Rachel Railroad Bridge, carrying County Route 91 over an abandoned railroad bed in Marion County, the "Thomas Leo Starsick Memorial Bridge".

**House Concurrent Resolution 17**—Requesting the Division of Highways name Bridge Number: 30-003/05-016.21 (30A288), (37.90962, -82.24858) locally known as Breeden Bridge, carrying CR 03/05 over West FK of Twelvepole CK in Mingo County the "Ab and Laura Baisden Bridge".

**House Concurrent Resolution 18**—Requesting the Division of Highways name bridge number 06-064/00-21.75 (06A243), locally known as Howells Mill Overpass Westbound, carrying I-64 over Mud River and County Route 1 in Cabell County, the "Caldwell Brothers Memorial Bridge" and name bridge number 06-064/00-2175 (06A242), locally known as Howells Mill Overpass Eastbound, carrying I-64 over Mud River and County Route 1 in Cabell County, the "Caldwell Brothers Memorial Bridge".

**Com. Sub. for House Concurrent Resolution 22**—Requesting the Division of Highways name bridges number 10-019 and 00-003.82 (10A090 and 10A091), locally known as White Oak Branch Bridges, carrying CR 21 and CR 20 over White Oak Branch in Fayette County, the "U.S. Army Corporal William Edgar Hancock Memorial Bridge".

**House Concurrent Resolution 23**—Requesting the Division of Highways name the bridge numbered 6176, also called "I77 OV 23/2 PAX IC, which is the turnpike exit to Pax, the "Cody J. Mullens Memorial Bridge".

**House Concurrent Resolution 25**—Requesting the Division of Highways name bridge number 26-250/00-011.46 (26A089), locally known as Grade School Bridge, carrying US 250 over Grave Creek in Marshall County, "U. S. Navy Sonarman First Class William "Bill" C. Harris Memorial Bridge".

**Com. Sub. for House Concurrent Resolution 26**—Requesting the Division of Highways name bridge number 52-054/00-000.75 (52A088), (39.56097, -80.72622) locally known as Crow Run Bridge, carrying CR 04 over Crow Run in Wetzel County, as the "PFC Jerry Lee Bassett Memorial Bridge".

**House Concurrent Resolution 27**—Requesting the Division of Highways to name a bridge bearing Bridge Numbers: 13-064/00-180.29 (EB & WB) (13A221, 13A222), (37.79965, -80.28023) locally known as WADES CREEK BRIDGES EB & WB, carrying IS 64 over US 60 & Wades Creek in Greenbrier County as the "U.S. Army Sergeant Jerry Lee Harris Memorial Bridge".

**House Concurrent Resolution 28**—Requesting the Division of Highways name the bridge numbered 41-001/00-000.06 () (41A001), (37.96929, -81.53268) locally known as WHITESVILLE GIRDER, carrying CR 01 over MARSH FORK in Raleigh County, the "Karantonis Brothers Armed Forces Memorial Bridge".

**House Concurrent Resolution 29**—Requesting the Division of Highways name the bridge numbered 04-040/00-000.01 () 04A096, at 38.5670347217001, -80.8980361650172, known locally as the "Strange CK DK GRD," the "U.S. Army Sgt Thomas Lawson Memorial Bridge".

**House Concurrent Resolution 30**—Requesting the Division of Highways name a bridge bearing the Bridge Number: 26-250/00-013.37 () (26A094), (39.84754, -80.55577) locally known as Clouston Bridge, carrying US 250 over North Fork Grave Creek in Marshall County as the "Jack L. Hart Memorial Bridge".

**House Concurrent Resolution 31**—Requesting the Division of Highways name Bridge Number: 16-020/01-000.18 () (16A044), (38.87673, -78.86634) locally known as Stanley See Bridge, carrying CR 20/01 over LOST RIVER in Hardy County as the "Stanley W. and Evelyn C. See Memorial Bridge".

**House Concurrent Resolution 32**—Requesting the Division of Highways name Bridge Number 44-079/00-029.04 (NB) (44A125), at 38.58216 latitude and -81.21047 longitude and originally known as the Big Sandy Creek N (CSPG) at CR29 & Big Sandy Creek, near Amma, WV in Roane County, the "Sloan Brothers Memorial Bridge".

**Com. Sub. for House Concurrent Resolution 33**—Requesting the Division of Highways name bridge number 44-029/09-001.26 () (44A062), (38.55586, -81.25884) locally known as LITTLE PIGEON BRIDGE (CSWB), carrying CR 29/09 over BIG SANDY CREEK in Roane County, the "U.S. Army PFC Gale Hall Memorial Bridge".

**Com. Sub. for House Concurrent Resolution 34**—Requesting the Division of Highways name the bridges numbered 25-079/00-132.07 (NB) and 25-079/00-132.07 (SB), BARIDs 25A132 and 25A133, at 39.4324950947195, -80.1866889479929 and 39.4326457695149, -80.1866584277802, known locally as the "MIDDLETOWN MALL OVERPASS", the "U.S. Army Staff Sgt. Harlie Steven Gabbert Memorial Bridge".

**House Concurrent Resolution 35**—Requesting the Division of Highways name bridge 41-003/00-000.77 () (41A017), (37.96177, -81.53366) locally known as MARSH FORK BRIDGE, carrying WV 03 over MARSH FORK in Raleigh County, the "Gulf War Veteran's Memorial Bridge".

**House Concurrent Resolution 36**—Requesting the Division of Highways name Bridge Number 11642, beginning at 38°27'10"N 81°51'38"W and ending at 38°27'12"N 81°51'39"W, on Bills Creek Road near Scott Depot in Putnam County, the "Chief Master Sgt. Dan Chandler Bridge".

**House Concurrent Resolution 38**—Requesting the Division of Highways name Bridge Number 17-079/00-115.33 (NB-SB) (17A251,17A252), also known as the Quiet Dell Overpass and beginning at 39.22594, -80.29692, located in Clarksburg, WV in Harrison County, the "US Army PFC William Gorman Memorial Bridge".

**Com. Sub. for House Concurrent Resolution 39**—Requesting the Division of Highways name bridge number 39-050/02-000.89 () (39A113), (39.32593, -79.81876), locally known as the Israel Bridge, carrying CR50/02 over Little Sandy Creek in Preston County, the "U.S. Army SP3 Delbert Sherdan "Buck" Huffman Sr. Memorial Bridge".

**Com. Sub. for House Concurrent Resolution 40**—Requesting the Division of Highways name bridge number 25-033/02-000.55 () (25A077), (39.48162, -80.07274) locally known as REUBEN RUN BRIDGE, carrying CR 33/02 over REUBEN RUN in Marion County as the "USMC MSG Edward P. & MP Carl A. McCray Memorial Bridge".

**House Concurrent Resolution 41**—Requesting the Division of Highways name Bridge Number: 33-009/00-020.32 () (33A020), (39.61829, -78.28301) locally known as GREAT CACAPON BRG., carrying WV 9 over CACAPON RIVER in Morgan County, the "Thurman W. Whisner Memorial Bridge".

**House Concurrent Resolution 42**—Requesting the Division of Highways name the bridge numbered 26-005/00-005.05 () (26A021), (40.00400, -80.64197) locally known as "Langmyer Bridge," carrying CR 005 over Wheeling Creek in Marshall County the "U.S. Army SSG William E. Miller Memorial Bridge".

**House Concurrent Resolution 44**—Requesting the Division of Highways name Bridge Number: 13-060/14-006.39 (13A127), (37.77177, -80.35636) locally known as HARTS RUN BRIDGE, carrying CR 60/14 over HOWARD CREEK in Greenbrier County. the "Frank Walker Mosley Memorial Bridge".

**House Concurrent Resolution 45**—Requesting the Division of Highways name Bridge Number: 13-012/00-013.12 () (13A192), (37.86803, -80.55368) locally known as ALTA MOUNTAIN BRIDGE, carrying WV 12 over I-64 EBL and WBL in Greenbrier County, the "Alexander Arbuckle "Abe" McLaughlin Memorial Bridge".

**House Concurrent Resolution 46**—Requesting the Division of Highways name bridge number 14-016/00.00609(14A078), locally known as Capon Lake Bridge, carrying County Route 16/Capon Springs Road over Cacapon River in Hampshire County, the "Jacob "Jack" Taylor Rudolph, Sr. Memorial Bridge".

**House Concurrent Resolution 50**—Requesting the Division of Highways name Bridge Number: 23-044/04-000.02 () (23A188), (37.71090, -81.98702) locally known as SARAH ANN BOX BEAM, carrying CR 44/04 over ISLAND CREEK in Logan County the "Jack A. Hatfield Memorial Bridge".

**House Concurrent Resolution 51**—Requesting the Division of Highways name bridge number 43-017/00-000.06(43A054), locally known as Racy Bridge, carrying County Route 017 over North Fork Hughes River in Ritchie County, the "U. S. Army Colonel Merlin C. Kerns Memorial Bridge".

**House Concurrent Resolution 53**—Requesting the Division of Highways name Bridge Number: 04-032/07-002.61 () (04A091), (38.65540, -80.84367) locally known as SAWMILL BRIDGE, carrying CR 032/07 over ELK RIVER in Braxton County. , the "U. S. Navy Quartermaster Third Class Lawrence Earl Boggs Memorial Bridge".

**House Concurrent Resolution 59**—Requesting the Division of Highways name the bridge numbered 12-005/00-000.13(12A010), (39.05079, -79.10992) locally known as ARTHUR BRIDGE, carrying CR 05 over LUNICE CREEK in Grant County, the "Asa H. Kisamore, Jr. Memorial Bridge".

**House Concurrent Resolution 60**—Requesting the Division of Highways name a portion of Arnett Road, approximately 250 feet from the intersection of Arnett Road and Copen Road on W V 2/4, together with the small bridge in front of the Providence Baptist Church in Braxton County, the "Terra Dawn Lewis Memorial Road and Bridge".

**House Concurrent Resolution 61**—Requesting the Division of Highways name Bridge Numbers: 04-079/00-046.18 (NB & SB) (04A103, 04A104), (38.61716, -80.95085) locally known as SERVIA ICHG N & S, carrying IS 79 over Co 11 in Braxton County, the "Mollohan Brothers Memorial Bridge".

**Com. Sub. for House Concurrent Resolution 62**—Requesting the Division of Highways name bridge number 10-025/02-000.10 () (10A126), (37.95606, -81.07894) locally known as THURMOND BRIDGE, carrying CR 25/02 over NEW RIVER in Fayette County, as the "U.S. Army First Sgt. Clarence Shirley Blake Memorial Bridge".

**House Concurrent Resolution 68**—Requesting the Division of Highways name Bridge Number: 11-047/00-004.96 (11A128), (39.04623, -80.83061) locally known as COXCAMP CONCRETE BOX BM, carrying WV 47 over COXCAMP FORK in Gilmer County, the "U. S. Army Air Force, Major (Ret.) Willis 'Scottie' Adams Memorial Bridge".

The preceding resolutions were referred to the Committee on Transportation and Infrastructure.

### **Executive Communications**

The Clerk presented the following communication from His Excellency, the Governor, regarding bills approved by him:



*Jim Justice*  
*Governor of West Virginia*

February 20, 2024

The Honorable Lee Cassis, Clerk  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Committee Substitute for Senate Bill No. Three Hundred Eighteen (318), which was presented to me on February 14, 2024.

Senate Bill No. Four Hundred Twenty-Eight (428), which was presented to me on February 14, 2024.

Senate Bill No. Five Hundred Forty-Three (543), which was presented to me on February 14, 2024.

You will note that I have approved these bills on February 20, 2024.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate proceeded to the fourth order of business.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 167**, Establishing statewide health and safety fee for tourism and recreational activities by county commissions.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 167** (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3uu, relating to authorizing county commissions to impose a health and safety fee for tourism and recreational activities within the county; listing applicable activities and how fee to be calculated thereon; providing that fee may only be collected once on any seasonal or annual pass purchased for activities to which fee is applicable; establishing that fee may not be collected or imposed on activities within municipalities that have levied an amusement tax; establishing who owes fee, collection, and remittance to county; requiring counties who impose fee to notify the State Fire Marshal and the Office of Emergency Medical Services; authorizing counties to promulgate administrative procedures for collection of fee; providing that the sheriff is the county's agent for collection of fee; requiring moneys collected for fee be kept in a separate account; establishing requirements for use of proceeds from fee; establishing waiver process for alternative use of proceeds; and providing rulemaking authority.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 167) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 188** (originating in the Committee on Economic Development), Mountain Homes Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Com. Sub. for Senate Bill 188** (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2P-1, §5B-2P-2, §5B-2P-3, §5B-2P-4, §5B-2P-5, §5B-2P-6, §5B-2P-7, §5B-2P-8, §5B-2P-9, §5B-2P-10, §5B-2P-11, §5B-2P-12, and §5B-2P-13, all relating to creating the Mountain Homes Act; setting out a short title; setting out legislative findings; defining terms; authorizing rulemaking; providing an effective date; providing for a sunset date; creating the Mountain Homes Fund; providing for the purposes of the fund; providing for administration of the fund; providing for recordkeeping; requiring reporting to the Joint Committee on Government and Finance and the Governor; setting out required elements for the report; exempting certain materials from the Freedom of Information Act; establishing criteria for eligibility for use of funds; requiring an application for use of funds; setting out elements necessary to be included on the application; providing for exclusions from use of funds; providing for application approval; establishing evaluation standards and criteria; providing for a final agreement; setting out terms of the agreement; allowing for an extension of time; requiring adjacent properties to be subject to additional approval; providing for administration of the act; setting

out powers and duties of the Economic Development Authority; and providing for a criminal penalty for a false statement.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 188) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 225**, Establishing revocation of authority for spending by agency in support of challenge to WV law.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 225** (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-3-21, relating to establishing the revocation of authority for spending by an agency in support of a challenge to West Virginia law; and providing for exceptions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 225) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

**Senate Bill 306, Equipment Right to Repair Act.**

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 306** (originating in the Committee on Agriculture and Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-39-1, §19-39-2, §19-39-3, §19-39-4, §19-39-5, §19-39-6, §19-39-7, §19-39-8, and §19-39-9, all relating to creating the Equipment Right to Repair Act; creating a short title; defining terms; establishing jurisdiction of the Commissioner of Agriculture; establishing requirements; establishing limitations; providing for rulemaking; establishing violations; imposing civil penalties; authorizing civil actions, penalties, and injunctive relief; and providing for applicability and effective date of article.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Bill Hamilton,  
*Chair.*

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

**Eng. Com. Sub. for Senate Bill 493** (originating in the Committee on the Judiciary), Relating to use of criminal records as disqualification from authorization to practice particular profession.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Com. Sub. for Senate Bill 493** (originating in the Committee on Rules)—A Bill to amend and reenact §21-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-14-6 of said code; to amend and reenact §21-16-7 of said code; to amend and reenact §29-3B-4 of said code; to amend and reenact §29-3C-4 of said code; and to amend and reenact §29-3D-6 of said code, all relating generally to the use of criminal records as disqualification from initial licensure or other authorization to practice certain professions or occupations regulated by the Division of Labor or the State Fire Marshal; prohibiting licensing authorities from disqualifying an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that directly and specifically relates to the activity requiring licensure such that granting the applicant licensure would pose a direct and substantial risk to the public because the applicant has not been rehabilitated; providing factors for a licensing authority to determine whether a criminal conviction directly and specifically relates to a profession or occupation; providing evidence of rehabilitation or treatment undertaken by the individual to be considered by a licensing authority in determining whether a criminal conviction directly and specifically relates to a profession or occupation; clarifying that a licensing authority may not disqualify an applicant from initial licensure because of a prior criminal conviction if certain criteria are met; authorizing an individual who has not previously held a license from the licensing authority to petition the authority for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license; prohibiting a licensing authority from considering or from requiring an individual to disclose an arrest not

followed by conviction in an application for initial licensure or determination regarding criminal record; and requiring licensing authorities to update licensure forms, relevant public-facing documents, and website.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Craig Blair,  
*Chair ex officio.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 528**, Requiring DHS to provide investigative and assessment services.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 528** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §49-1-201 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-2-101, §49-2-809, and §49-2-813 of said code; and to amend and reenact §49-11-101 of said code, all relating to child welfare; defining terms; stating that protective services include both an investigative track and a family assessment track; requiring the Bureau for Social Services to establish a system of differential response and use appropriate screening tools to respond to reports received by centralized intake that complies with relevant law; providing data retention requirements; and amending requirements of the child welfare data dashboard.

And,

**Senate Bill 769**, Prohibiting certain medical exams on anesthetized patients.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 769** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-21, relating to prohibiting certain medical practices; prohibiting medical providers from performing pelvic, rectal, or breast exams on an anesthetized or unconscious patient except in specified circumstances; providing criminal penalties; providing medical license penalties; and establishing an effective date.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 528 and 769) contained in the preceding report from the Committee on Health and Human Resources were each taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 562** (originating in the Committee on the Workforce), Expanding employment and training requirements necessary for SNAP benefits.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Com. Sub. for Senate Bill 562** (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §9-8-2a and §9-8-2b, all relating to expanding the current mandatory employment and training requirements necessary to receive Supplemental Nutrition Assistance Program benefits; defining and developing exemptions; clarifying the secretary's duties when there is a lack of funding or inability to provide employment and training; identifying when assignments to the employment and training program may not be suspended; evaluating the current voluntary employment and training program requirements necessary to receive Supplemental Nutrition Assistance Program benefits; requiring the department to define and develop reporting systems; and reporting on and measuring expectations of the employment and training program.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 562) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 603**, Solid Waste Management Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 603** (originating in the Committee on Government Organization)—A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended, relating to definition of "commercial solid waste facility"; amending definition to exclude solid waste facility that collects and consolidates solid waste from certificated motor carrier's existing customers at no additional charge to customers before transportation to disposal facility; and mandating that such facility comply with bonding and pre-siting notice requirements.

**Senate Bill 746**, Modifying composition of Regional Jail and Correctional Facility Authority Board.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 746** (originating in the Committee on Government Organization)—A Bill to amend and reenact §15A-8-2 and §15A-8-3 of the Code of West Virginia, 1931, as amended, all relating to the composition of the West Virginia Regional Jail and Correctional Facility Authority Board and scheduled meetings.

And,

**Senate Bill 844**, Redesignating Educational Broadcasting Authority as Educational Broadcasting Commission.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 844** (originating in the Committee on Government Organization)—A Bill to amend and reenact §10-5-1, §10-5-2, and §10-5-3 of the Code of West Virginia, 1931, as amended, all relating to Educational Broadcasting Authority; changing name of Educational Broadcasting Authority to Educational Broadcasting Commission; reducing number of commission members; authorizing Secretary of Department of

Arts, Culture, and History to appoint commission director; and making technical corrections.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 603, 746, and 844) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 618**, Creating Carbon Exchange Program.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 618** (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-37-1, §22-37-2, §22-37-3, §22-37-4, §22-37-5, §22-37-6, §22-37-7, and §22-37-8, all relating to authorizing Division of Forestry to administer Carbon Exchange Program; outlining scope of Carbon Exchange Program; and providing program requirements for Carbon Exchange Program.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 618) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 672**, Requiring coverage of home blood pressure monitoring devices for certain Medicaid recipients.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 672** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §9-5-20 of the Code of West Virginia, 1931, as amended, relating to Medicaid coverage for blood pressure monitoring devices to be offered to certain persons who have been diagnosed with hypertension; requiring benefits be provided; and requiring reimbursement for related costs.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 672) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 712**, Reducing minimum age for State Police cadet.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 712) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 743**, Relating to Bureau for Medical Services' medically supervised weight loss program.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 743** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §9-5-34, relating to West Virginia Bureau for Medical Services' medically-supervised weight loss program; defining terms; requiring the Bureau for Medical Services to file a State Plan Amendment; setting forth eligibility criteria; setting forth approval process; requiring regular assessments of the program focused on costs and health outcomes; and requiring reporting to the Legislature.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 743) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

At the request of Senator Maroney, unanimous consent being granted, the bill was referred to the Committee on Finance.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 750**, Establishing Fentanyl Poisoning Awareness Week in grades six through 12.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 750** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931,

as amended, by adding thereto a new section, designated §18-2-30, relating to Laken's Law; requiring each school district to annually provide age-appropriate, research-based instruction related to the dangers posed by the drug fentanyl to students in grades six through 12; encouraging school districts to provide the instruction during Red Ribbon Week; specifying topics that the instruction is to include; specifying who may provide the instruction; and requiring instruction to begin in the 2024-2025 school year.

And,

**Senate Bill 761**, Providing greater access to unused buildings for public charter schools.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 761** (originating in the Committee on Education)—A Bill to amend and reenact §18-5G-12 of the Code of West Virginia, 1931, as amended, relating to providing greater access to unused buildings for public charter schools; requiring the county board or public entity to allow the charter school sufficient time to establish the school; providing that the facility is not required to hold the building if the charter school application is denied; and allowing the authorizer of the charter school to release the building in the event the school is unable to open.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, Committee Substitute for Senate Bill 750 contained in the foregoing report from the Committee on Education was then referred to the Committee on Rules.

At the further request of Senator Takubo, and by unanimous consent, Committee Substitute for Senate Bill 761 contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 765**, Establishing and administering DNA identification system.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 765** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-2B-4 and §15-2B-6 of the Code of West Virginia, 1931, as amended, all relating to designating the Forensic Analysis Laboratory of the Marshall University Forensic Science Center as the back-up provider to manage the deoxyribonucleic acid databank and database in the event of a statewide declared, public emergency, or natural disaster; designating Forensic Analysis Laboratory of the Marshall University Forensic Science Center as an additional site for the analysis of the deoxyribonucleic acid samples from unidentified human remains; providing Forensic Analysis Laboratory of the Marshall University Forensic Science Center access to certain databases; and requiring the Chief Medical Examiner, or his or her designee, to collect specified samples for inclusion into the state deoxyribonucleic acid databank and specifying access to those samples.

And,

**Senate Bill 778**, Amending certain qualifying offenses to enhance sentences of repeat offenders.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 778** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-11-18 of the Code of West Virginia, 1931, as amended, relating to qualifying offenses for the purpose of enhancing the sentence of a repeat offender.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 765 and 778) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 806**, Removing certain required reports to Legislative Oversight Commission on Education Accountability.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Amy N. Grady,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 806) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 815**, Requiring annual analysis of contracts from DHS and Bureau for Social Services.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 815) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

**Eng. House Bill 5268**, Relating to the enhanced recovery of oil and natural gas in horizontal wells.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Randy E. Smith,  
*Chair.*

The Senate proceeded to the sixth order of business.

Senators Blair (Mr. President), Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, and Woodrum offered the following resolution:

**Senate Resolution 51**—Memorializing the life of Lora Susan Thompson, former Bill Clerk, Chief Journal Clerk, and Chief Desk Clerk of the West Virginia Senate, and dedicated public servant.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 32**, Requesting Joint Committee on Government and Finance study establishing depository for gold and silver.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the resolution was referred to the Committee on Rules.

**Senate Resolution 49**, Recognizing World Scouting Museum.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

**Senate Resolution 50**, Designating February 21, 2024, as WV History Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Caputo, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Com. Sub. for Senate Bill 453**, Requiring pricing and payment transparency from pharmacy benefits managers contracting with PEIA.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 453 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 453) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 494**, Uniform Unlawful Restriction in Land Records Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 494) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 533**, Allowing EMS agencies to triage, treat or transport patients to alternate destinations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 533) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 630**, Defining protections for election officials and election workers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 630) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 667**, Creating Physician Assistant Compact.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 667) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 683**, Amending definition of "alternative fuel" under motor fuel excise tax.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 683) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 688**, Authorizing director of Division of Forestry to contract and manage forest land.

On third reading, coming up in regular order, with the right having been granted on February 19, 2024, for amendments to be received on third reading, was read a third time.

On motion of Senator Stover, the following amendment to the bill was reported by the Clerk:

On page 1, section 4a, line 5, after the word "wildfires" by changing the period to a colon and inserting the following proviso: *Provided*, That no wildfire management contract shall be entered into for state parks and rail trail lands under the jurisdiction of the Director of the Division of Natural Resources.

Following extended discussion,

The question being on the adoption of Senator Stover's amendment to the bill, the same was put and did not prevail.

Engrossed Committee Substitute for Senate Bill 688 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo, Stover, and Woelfel—3.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 688) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 690**, Establishing WV Agritourism Commission.

On third reading, coming up in regular order, with the right having been granted on February 19, 2024, for amendments to be received on third reading, was read a third time.

On motion of Senator Maynard, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 1, section 6, line 2, by striking out the word "eight" and inserting in lieu thereof "10";

And,

On page 1, section 6, line 5, by striking out the words "and (8) the Farm Bureau." and inserting in lieu thereof the words "(8) the Farm Bureau; (9) Equestrianism; and (10) Farm-to-Table."

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 690 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 690 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 690) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 711**, Clarifying that qualified law enforcement from any federal agency may enforce state laws under limited circumstances.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 711) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 711) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 722**, Revising examination of records relating to limited video lottery.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 722) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 727**, Revising process for county boards of education to hire support staff.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

(Senator Queen in the Chair.)

Pending discussion,

(Senator Blair, Mr. President, in the Chair.)

The question being "Shall Engrossed Committee Substitute for Senate Bill 727 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr,

Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo, Chapman, and Hamilton—3.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 727) passed.

On motion of Senator Grady, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for Senate Bill 727**—A Bill to amend and reenact §18-5A-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8b of said code, all relating to revising the process for county boards of education to hire aides and early childhood classroom assistant teachers; requiring that any process that may be established by a faculty senate to obtain information regarding applicants for aide and early childhood classroom assistant teacher vacancies that will enable the faculty senate to submit recommendations regarding employment include the participation and input of one service person; establishing parameters for the service person selected; addressing training of service personnel who may participate in interviews and compensation of a service person who directly participates in the training for periods beyond his or her individual contract; providing for a committee of faculty senate members responsible for making a recommendation to include one service person when information regarding applicants for aide or early childhood classroom assistant teacher vacancies is being obtained; allowing the principal or certain other person designated in West Virginia Board of Education rule to be given opportunity to interview all qualified applicants and make recommendations regarding their employment; allowing faculty senate including the required participating service person to interview or otherwise obtain information regarding applicants; adding to criterion that decisions affecting promotions and filling of the aide and early childhood classroom assistant teacher positions are to be based on; specifying

weight to be given to each criterion; requiring all qualified applicants to be considered together in one group; requiring appointment of applicant if the principal and faculty senate with the participation and input of the required service person recommend the same applicant and the county superintendent concurs; requiring state board rule to implement and interpret certain provisions; allowing rule to include compensation for those directly participating in making recommendations during periods of participation beyond their individual contract; and establishing effective date.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 738**, Authorizing State Fire Marshal to promulgate emergency rules relating to increased fees.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Azinger, Chapman, Karnes, and Martin—4.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 738) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts,

Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Azinger, Chapman, Karnes, and Martin—4.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 738) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 779**, Imposing deadlines for autopsies and autopsy reports.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 779) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 785**, Allowing Foster Care Ombudsman access to child protective records.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 785) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 4860**, Providing that a general education teacher may not be responsible for accommodation logs.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: Caputo and Woelfel—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4860) passed.

The following amendment to the title of the bill, from the Committee on Education, was reported by the Clerk and adopted:

**Eng. House Bill 4860**—A Bill to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended, relating to education of exceptional children in an integrated classroom; and providing that the general education teacher shall utilize the supplementary services documentation sheet on days when accommodations were made.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for House Bill 5295**, Authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Hamilton, Hunt, Jeffries, Karnes, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Chapman, Deeds, Grady, Martin, Roberts, and Smith—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5295) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 5295**—A Bill to amend and reenact §8-12-26 of the Code of West Virginia, 1931, as amended;

and to amend and reenact §60-7-2a, §60-7-8a, and §60-7-8g of said code, all relating to expressly authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders, including but not limited to a special S2 licensed and properly insured private fair and festival; providing that private outdoor designated areas may simultaneously host multiple permit holders; defining a term; providing that the dual licensing of private fairs and festivals simultaneous to other qualified permit holders is permissible; and eliminating the joint and several liability of qualified permit holders.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 675**, Establishing accreditation deadline for convention and visitors bureaus.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Martin, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 3, section 13a, line 54, by striking out "2026" and inserting in lieu thereof "2025";

On page 3, section 13a, line 59, by striking out "2026" and inserting in lieu thereof "2025";

And,

On page 3, section 13a, line 59, after the word "any" by inserting the word "new".

The bill (Com. Sub. for S. B. 675), as amended, was then ordered to engrossment and third reading.

At the request of Senator Takubo, and by unanimous consent, the Senate returned to the consideration of

**Eng. Com. Sub. for House Bill 5295**, Authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders.

Passed by the Senate in earlier proceedings today,

The bill still being in the possession of the Senate,

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Hamilton, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Rucker, Smith, Stover, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Chapman, Deeds, Grady, and Roberts—4.

Absent: Hunt and Stuart—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5295) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate then resumed consideration of the remainder of its second reading calendar, the next bill coming up in numerical sequence being

**Senate Bill 681**, Revising service obligation for certain doctoral medical degree programs.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 685**, Continuing and updating Board of Risk and Insurance Management.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 724**, Allowing license plates, road signs, or markers be obtained from alternative sources.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Com. Sub. for Senate Bill 730**, Clarifying compensation for county tax collector.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 754**, Requiring car dealerships to utilize search engines to determine if buyers have valid motor vehicle insurance.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 763**, Exempting certain records from public release.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 768**, Providing exception for sharing of confidential child welfare records.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 773**, Expanding powers of National Park Service law-enforcement officers.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 802**, Updating consumer credit and protection laws on certain agricultural vehicles and equipment.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 834**, Increasing number of members for Motor Vehicle Dealers Advisory Board.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 838**, Requiring lending institutions to utilize DMV electronic lien system under certain circumstances.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

**Eng. Com. Sub. for House Bill 4809**, Health Care Sharing Ministries Freedom to Share Act.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Eng. Com. Sub. for House Bill 4850**, Removing the sunset clause from Oil and Gas Personal Property Tax.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Eng. Com. Sub. for House Bill 5057**, To raise the threshold for nominal referral fees from \$25 to \$100.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Woelfel.

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Woelfel were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Senator Trump called attention to today being the birthday of the Senior Senator from the Fifth and on behalf of the Senate extended felicitations and good wishes to Senator Plymale.

At the request of Senator Plymale, unanimous consent being granted, Senator Plymale addressed the Senate regarding his birthday.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 20, 2024:

**Senate Bill 442:** Senator Hamilton.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills on February 20, 2024:

**Senate Bill 827:** Senator Barrett;

And,

**Senate Bill 861:** Senators Oliverio, Hamilton, Deeds, and Caputo.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 1:12 p.m., the Senate adjourned until tomorrow, Thursday, February 22, 2024, at 11 a.m.

---

THURSDAY, FEBRUARY 22, 2024

The Senate met at 11:03 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Don Biram, Senior Pastor, Emmanuel Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Randy E. Smith, a senator from the fourteenth district.

Pending the reading of the Journal of Wednesday, February 21, 2024,

At the request of Senator Woodrum, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Com. Sub. for Senate Bill 400**, Creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 1, section 11, line 17, by striking the words "March 1" and inserting lieu thereof "April 30".

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 400, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton,

Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 400) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 400) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4299**—A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to possessing deadly weapons on premises of educational facilities; and authorizing teachers in elementary or secondary schools to

carry concealed firearms and be designated as a school protection officer.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5065**—A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended; to amend and reenact §44-10-14 of said code; and to amend and reenact §49-4-601 of said code, all relating to attorneys appointed as legal counsel or guardians ad litem for minor children in certain circumstances; providing for payment of certain panel attorneys serving as legal counsel or guardians ad litem for minor children in child abuse or neglect proceedings; providing for payment of certain attorneys appointed as guardians ad litem in minor settlement proceedings; requiring continuing education for certain attorneys; and requiring certain orders to contain reimbursement and compensation in minor settlement proceedings.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2024, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5347**—A Bill to amend and reenact §16-4C-6 and §16-4C-24 of the Code of West Virginia, 1931, as amended, all relating to establishing a program for emergency medical services personnel to become certified paramedics; and providing for its funding.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5361**—A Bill to repeal §16-3-4a of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §16B-3-21, relating to allowing influenza immunizations to be offered to hospital patients.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5635**—A Bill amend and reenact §60A-3-308 of the Code of West Virginia, 1931, as amended, relating to allowing patients to direct prescribers to list the illness or condition for which a prescription is being issued on the label of the prescription.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 5691**—A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-34; and to repeal §16B-12-3 of said code; all relating to a biennial capitation rate review to be conducted by the Bureau of Medical Services.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of the following resolutions:

**Com. Sub. for House Concurrent Resolution 7**—Requesting the Division of Highways name bridge number 29-013/00-005.67 () (29A078), (39.29672, -78.93246) locally known as RUSSELDALE BRIDGE, carrying CR 13 over PATTERSON

CREEK in Mineral County, the 'U.S. Navy Radarman 3rd Class Craig W. Haines Memorial Bridge'.

**Com. Sub. for House Concurrent Resolution 12—**Requesting the Division of Highways name bridge number 46-008/00-001.78(46A075), locally known as Meadland Bridge, carrying CR 008 over Hustead Fork Stream in Taylor County, the 'U.S. Marine Private First Class Calvin Lee Loudin Memorial Bridge'.

**Com. Sub. for House Concurrent Resolution 19—**Requesting the Division of Highways name bridge number 20-039/00-000.05 (38.4628604688791, -81.5001270435965) locally known as Shady Sadie's Bridge, carrying CR 33 over Little Sandy Creek in Kanawha County, the 'CPL Thomas Lowell Wines Memorial Bridge'.

**House Concurrent Resolution 20—**Requesting the Division of Highways name bridge number: 20-033/00-005.06 (38°33'23.9 -81°33'45.0) locally known as the Yukon Bridge, carrying CR 33 over the Pocatalico River in Kanawha County, the "SP4 Donnie Lee Hackney Memorial Bridge".

**Com. Sub. for House Concurrent Resolution 37—**Requesting the Division of Highways name bridge number 50-152/00-034.00 () (50A103), (38.25912, -82.44572) locally known as Doctor Doctor Bridge, carrying WV 152 over Twelvepole Creek in Wayne County, the 'U.S. Army PFC Carl. J. Osburn Bridge'.

The preceding resolutions were referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 348**, Updating definition of "electioneering communication" to be consistent with FEC.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 348** (originating in the Committee on Government Organization)—A Bill to amend and reenact §3-8-1a, §3-8-2b, and §3-8-7 of the Code of West Virginia, 1931, as amended, all relating to regulation and control of elections; updating the definition of "electioneering communication", disclosure of electioneering communication; failure to file statement; delinquent or incomplete filing; criminal and civil penalties.

And,

**Senate Bill 865**, Changing reference to Curator of Department of Arts, Culture, and History to secretary.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 865** (originating in the Committee on Government Organization)—A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-1-1 of said code, all relating to changing the designation of the Division of Culture and History as a separate independent agency to an agency within the executive branch as the Department of Arts, Culture, and History; adding the Educational Broadcasting Authority as a section under the department, as a separate, but not independent agency; adding the Educational Broadcasting Commission to the list of citizens commissions; changing references to the Curator of the Department of Arts, Culture, and History to the Secretary of the Department; adding the Educational Broadcasting Authority as one of the eight sections within the Department of Arts, Culture, and History; and adding the Educational Broadcasting Commission as a citizen commission existing within the Department of Arts, Culture, and History.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 348 and 865) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 452**, Designating certain water and wastewater facilities as emergency project.

And,

**Senate Bill 782**, Defining deadlines for local permits and extensions for property development or improvement.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Glenn D. Jeffries,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (S. B. 452 and 782) contained in the preceding report from the Committee on Economic Development were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 650**, Supplementing and amending appropriations to Higher Education Policy Commission, Fairmont State University.

**Senate Bill 653**, Supplementing and amending appropriations to School Building Authority, School Construction Fund.

**Senate Bill 657**, Expiring funds from Excess Lottery Revenue Fund to General Revenue.

And,

**Senate Bill 864**, Clarifying reporting requirements of Grant Transparency and Accountability Act.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (S. B. 650, 653, 657, and 864) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Senate Bill 742**, Updating retirement eligibility for certain sheriffs.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 742** (originating in the Committee on Pensions)—A Bill to amend and reenact §5-10-20 of the Code of West Virginia, 1931, as amended, authorizing elected sheriffs who become members of the public retirement system by virtue of being elected sheriff of a county to retire upon attaining the age of 62 with eight or more years of service.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Eric Nelson, Jr.,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Pensions.

At the request of Senator Takubo, and by unanimous consent, the bill (Com. Sub. for S. B. 742) was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Senate Bill 760**, Modifying length of service for certain employees to obtain credit for retirement.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Eric Nelson, Jr.,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Pensions.

At the request of Senator Takubo, and by unanimous consent, the bill (S. B. 760) was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

**Senate Bill 774, Mountain Bike Responsibility Act.**

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 774** (originating in the Committee on Outdoor Recreation)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-20-1, §20-20-2, §20-20-3, §20-20-4, §20-20-5, §20-20-6, §20-20-7, and §20-20-8, all relating to the creation of the Mountain Bike Responsibility Act; stating a legislative purpose; defining terms; and providing for duties of trail system operators, mountain bicyclists, and passengers on aerial passenger tramways.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

At the request of Senator Trump, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Outdoor Recreation.

At the request of Senator Takubo, and by unanimous consent, the bill (Com. Sub. for S. B. 774) was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

**Senate Bill 824**, Increasing membership of WV Motorsport Committee.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 824** (originating in the Committee on Outdoor Recreation)—A Bill to amend and reenact §5B-2-17 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Motorsport Committee; expanding the membership from five to 17 members including the chairperson; and designating the motorsport that shall be represented by the increased membership.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Outdoor Recreation.

At the request of Senator Takubo, and by unanimous consent, the bill (Com. Sub. for S. B. 824) was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 827**, Providing definition for regional distribution and dismantling center of salvage yards.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 827) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 851**, Establishing requirements for contingency fee agreements between political subdivisions and private attorneys.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 851** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, §7-28-4, §7-28-5, §7-28-6, §7-28-7, and

§7-28-8; and to amend said code by adding thereto a new article, designated §8-40-1, §8-40-2, §8-40-3, §8-40-4, §8-40-5, §8-40-6, §8-40-7, and §8-40-8 all relating to contingency fee arrangements between political subdivisions and private attorneys; defining terms, permitting contingency fee agreements in certain circumstances; exempting certain legal work performed for political subdivision; setting forth the requirements for a proposal request; providing process and factors considered for political subdivision award of contingency fee agreement to private attorney; limiting aggregate fees for contingency fee agreement; providing requirements for contingency fee agreement; providing contingency fee agreement void in certain circumstances; and providing rights, limitations, waivers, obligations, and effective dates.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 851) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Concurrent Resolution 30**, Honoring Hershel "Woody" Williams as one of two WV statues in National Statuary Hall Collection.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Concurrent Resolution 30** (originating in the Committee on Finance)—Honoring Hershel "Woody" Williams as one of two West Virginia statues in the National Statuary Hall Collection.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

**Com. Sub. for Senate Resolution 6**, Honoring life of Edith Levy, Holocaust survivor.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Craig Blair,  
*Chair ex officio.*

The Senate proceeded to the sixth order of business.

Senator Maynard offered the following resolution:

**Senate Resolution 52**—Designating February 23, 2024, as West Virginia Motorsports Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 51**, Memorializing life of Lora Susan Thompson.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Trump, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 51) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Trump and Plymale regarding the adoption of Senate Resolution 51 were ordered printed in the Appendix to the Journal.

At the request of Senator Takubo, unanimous consent being granted, at 11:30 a.m., the Senate recessed to present Senate Resolution 51.

The Senate reconvened at 11:35 a.m. and, at the request of Senator Jeffries, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 675**, Establishing accreditation deadline for convention and visitors bureaus.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Martin, Nelson, Plymale, Queen, Roberts, Smith, Stover, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Azinger, Caputo, Chapman, Karnes, Maynard, Oliverio, Phillips, Rucker, and Stuart—9.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 675) passed.

On motion of Senator Martin, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for Senate Bill 675**—A Bill to amend and reenact §7-18-13a of the Code of West Virginia, 1931, as amended, relating to accreditation of convention and visitors bureaus; providing time extension for certain bureaus to become accredited and still be eligible for distribution of hotel occupancy tax proceeds; reducing moratorium period for authorization of new bureaus; and requiring all new bureaus to obtain and maintain accreditation as requirement to receive distribution of net proceeds after certain date.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 681**, Revising service obligation for certain doctoral medical degree programs.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 681) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 685**, Continuing and updating Board of Risk and Insurance Management.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Eng. Com. Sub. for Senate Bill 730**, Clarifying compensation for county tax collector.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 730) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 754**, Allowing car dealerships to utilize search engines to determine if buyers have valid motor vehicle insurance.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Azinger and Karnes—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 754) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 763**, Exempting certain records from public release.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton,

Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 763) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 768**, Providing exception for sharing of confidential child welfare records.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 768) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 773**, Expanding powers of National Park Service law-enforcement officers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 773) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 773) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 802**, Updating consumer credit and protection laws on certain agricultural vehicles and equipment.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 802) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 834**, Increasing number of members for Motor Vehicle Dealers Advisory Board.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 834) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 838**, Requiring lending institutions to utilize DMV electronic lien system under certain circumstances.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senators Trump and Nelson, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump and Nelson would be as a member of a class of persons and that they would be required to vote.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 838) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2024.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 838) takes effect July 1, 2024.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 167**, Establishing statewide health and safety fee for tourism and recreational activities by county commissions.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Com. Sub. for Com. Sub. for Senate Bill 188**, Mountain Homes Act.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Com. Sub. for Senate Bill 225**, Establishing revocation of authority for spending by agency in support of challenge to WV law.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Com. Sub. for Senate Bill 562**, Expanding employment and training requirements necessary for SNAP benefits.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 603, Solid Waste Management Act.**

On second reading, coming up in regular order, was read a second time.

On motion of Senator Woodrum, the following amendment to the bill was reported by the Clerk:

On page 3, section 2, lines 45-55, by striking out the definition of "commercial solid waste facility" in its entirety and inserting in lieu thereof the following:

"Commercial solid waste facility" means any solid waste facility that accepts solid waste generated by sources other than the owner or operator of the facility and does not include an approved solid waste facility owned and operated by a person for the sole purpose of the disposal, processing, or composting of solid waste created by that person or such person and other persons on a cost-sharing or nonprofit basis and does not include land upon which reused or recycled materials are legitimately applied for structural fill, road base, mine reclamation, and similar applications, and does not include any solid waste facility that accepts solid waste collected pursuant to and under a common carrier certificate of convenience and necessity issued by the Public Service Commission by the owner or operator (or its affiliate(s)) of the solid waste facility for consolidation and subsequent transport to a disposal or recycling facility: *Provided*, That the owner or operator of the solid waste facility shall comply with §22-15-12 and §22-15-13 of this code: *Provided, however*, That any such solid waste facility be located on a site that contains a mixed waste processing and resource recovery facility that possesses a solid waste facility permit from the Department of Environmental Protection.

Following discussion,

Senators Trump and Stuart requested rulings from the Chair as to whether they should be excused from voting on any matter pertaining to the bill under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump and Stuart would be as members of a class of persons and that they would be required to vote on any matter pertaining to the bill.

The question being on the adoption of Senator Woodrum's amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 603), as amended, was then ordered to engrossment and third reading.

**Senate Bill 712**, Reducing minimum age for State Police cadet.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 746**, Modifying composition of Regional Jail and Correctional Facility Authority Board.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 761**, Providing greater access to unused buildings for public charter schools.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Com. Sub. for Senate Bill 765**, Establishing and administering DNA identification system.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Com. Sub. for Senate Bill 778**, Amending certain qualifying offenses to enhance sentences of repeat offenders.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 806**, Removing certain required reports to Legislative Oversight Commission on Education Accountability.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 815**, Requiring annual analysis of contracts from DHS and Bureau for Social Services.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 844**, Redesignating Educational Broadcasting Authority as Educational Broadcasting Commission.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Eng. Com. Sub. for House Bill 4809**, Health Care Sharing Ministries Freedom to Share Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Eng. Com. Sub. for House Bill 4850**, Removing the sunset clause from Oil and Gas Personal Property Tax.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Chapman, the following amendment to the bill was reported by the Clerk:

On page 8, section 10, line 190, after the word "multiplier" by changing the period to a colon and inserting the following proviso:

*Provided*, That in no case may the appraised value of the royalty interest exceed the average actual sales price of similarly situated and like royalty interests.

Following discussion,

The question being on the adoption of Senator Chapman's amendment to the bill, the same was put and did not prevail.

The bill (Eng. Com. Sub. for H. B. 4850) was then ordered to third reading.

**Eng. Com. Sub. for House Bill 5057**, To raise the threshold for nominal referral fees from \$25 to \$100.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 306**, Equipment Right to Repair Act.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for Com. Sub. for Senate Bill 493**, Relating to use of criminal records as disqualification from authorization to practice particular profession.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Eng. House Bill 5268**, Relating to the enhanced recovery of oil and natural gas in horizontal wells.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Eng. Com. Sub. for House Bill 5540**, Relating to fentanyl prevention and awareness Education (Laken's Law).

On first reading, coming up in regular order, was read a first time and ordered to second reading.

**Eng. House Bill 5549**, Relating to allowing license plates to be obtained from alternative sources when the Division of Corrections and Rehabilitation is unable to produce them.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Plymale, Weld, and Chapman.

At the request of Senator Chapman, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of John C. "Doc" Bahnsen, a retired United States Army brigadier general and decorated veteran of the Vietnam War.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Plymale, Weld, and Chapman were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia  
Charleston

LEE CASSIS  
Clerk of the Senate



STATE OFFICE, ROOM 421E  
1900 KANAWHA BOULEVARD, EAST  
CHARLESTON, WV 25305-0800  
800.327.3600

February 22, 2024

The Honorable Jim Justice, II  
Governor, State of West Virginia  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, have been examined and found truly enrolled:

**S. B. 605.** Requiring electronic funds transfer of retirement contributions by participating employers;

**S. B. 606.** Relating to Natural Resources Police Officers Retirement System;


**S. B. 607.** Clarifying Municipal Police Officers and Firefighters Retirement System surviving spouse benefits;

**And,**

**S. B. 790.** Changing reference to Curator of Department of Arts, Culture, and History to Cabinet Secretary.

These bills are presented to you on this day, February 22, 2024.

Respectfully submitted,

  
Lee Cassis  
Clerk of the Senate

C. The Honorable Stephen J. Harrison  
Clerk of the House of Delegates

U.S. J. Sent to (WV) Senate

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 21, 2024:

**Senate Bill 305:** Senator Rucker;

**Senate Bill 347:** Senators Karnes, Taylor, Stover, Woodrum, Azinger, Clements, Hunt, and Oliverio;

**Senate Bill 418:** Senator Caputo;

**Com. Sub. for Senate Bill 450:** Senator Karnes;

**Senate Bill 712:** Senator Stuart;

**Senate Bill 742:** Senator Hunt;

**Senate Bill 743:** Senator Deeds;

**Senate Bill 760:** Senator Hunt;

**Senate Bill 765:** Senator Woodrum;

**Senate Bill 782:** Senator Plymale;

**Senate Bill 813:** Senators Rucker and Nelson;

**Senate Bill 861:** Senators Plymale and Roberts;

**Senate Bill 862:** Senator Grady;

**Senate Bill 865:** Senator Grady;

**Senate Bill 867:** Senator Hamilton;

**Senate Bill 870:** Senators Maynard, Martin, Smith, and Stuart;

**Senate Concurrent Resolution 13:** Senator Smith;

**Senate Concurrent Resolution 30:** Senators Weld, Deeds, Woelfel, Nelson, Jeffries, Chapman, and Queen;

**Senate Concurrent Resolution 31:** Senator Hamilton;

And,

**Senate Resolution 49:** Senators Rucker, Plymale, and Caputo.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:18 p.m., the Senate adjourned until tomorrow, Friday, February 23, 2024, at 10 a.m.

---

## FRIDAY, FEBRUARY 23, 2024

The Senate met at 10:19 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Ryan W. Weld, a senator from the first district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Glenn D. Jeffries, a senator from the eighth district, and kindergarten students from Mountain View Elementary School in Hurricane, West Virginia.

Pending the reading of the Journal of Thursday, February 22, 2024,

At the request of Senator Grady, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Com. Sub. for Senate Bill 668**, Increasing amount of certain controlled substances persons may purchase annually.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 1, line 3, by removing the words "61 and two-tenths" and inserting the words "86 and four-tenths" in lieu thereof.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 668, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Martin, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stover, Swope, Takubo, Tarr, Trump, Woelfel, Woodrum, and Blair (Mr. President)—26.

The nays were: Azinger, Chapman, Karnes, Maynard, Smith, Stuart, Taylor, and Weld—8.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 668) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4008**—A Bill to amend and reenact §37-13A-1 of the Code of West Virginia, 1931, as

amended, relating to amending the time required for providing notice of an entry on to land for visiting a grave from ten days to five.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4880**—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; providing for the gradual elimination of the limitations set forth in §11-21-12(c)(8) of the said Code relating to the decreasing modification for social security benefits received pursuant to specified provisions of Title 42 U.S.C., Chapter 7; making technical corrections to remove obsolete language; and specifying retrospective effect.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5020**—A Bill to amend and reenact §17C-5-2b of the Code of West Virginia, 1931, as amended, relating to deferred adjudication and pre-trial diversions for first offense DUI cases.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5024**—A Bill to amend and reenact §11-21-3, §11-21-4g, §11-21-18, §11-21-30, §11-21-40, §11-21-51, and §11-21-71a of the Code of West Virginia, 1931, as amended, all relating to the personal income tax by exempting non-

grantor trusts administered in this state from the personal income tax.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5238**—A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to mandating that all courts provide adjudication records for traffic violations and certain other offenses of juvenile offenders to the Division of Motor Vehicles.

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect March 1, 2024, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5544**—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §20-17A-6, relating to requiring certain reporting from the Mountaineer Trail Network Authority each year and beginning on December 1, 2024.

Referred to the Committee on Economic Development.

### **Executive Communications**

The Clerk presented the following communication from His Excellency, the Governor, regarding bills approved by him:



*Jim Justice*  
*Governor of West Virginia*

February 22, 2024

The Honorable Lee Cassis, Clerk  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Senate Bill No. Five Hundred Forty-Seven (547), which was presented to me on February 16, 2024.

You will note that I have approved this bill on February 22, 2024.

Sincerely,

A handwritten signature in blue ink, reading "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 190**, Modifying definition of sexual contact.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 190** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-8B-1, §61-8B-3, and §61-8B-5 of the Code of West Virginia, 1931, as amended, all relating to removing the definition of "marriage"; amending the definition of "sexual contact" to remove the exception where the victim is married to the actor; eliminating the marital exception to the offenses of first and third degree sexual assault; and removing duplicative language.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 190) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 442**, Providing for immunity for mental health providers who are involved in mental hygiene checks.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 442** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §27-5-2 of the Code of West Virginia, 1931, as amended, relating to standards of liability for mental health professionals providing services in mental hygiene cases involving possible involuntary hospitalization; defining those standards.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 442) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 496**, Prohibiting racial discrimination based on certain hair textures and hairstyles.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 496** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-21, relating to clarifying that racial discrimination includes discrimination based on certain hair textures and hairstyles historically associated with a particular race; and defining term.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Takubo requested unanimous consent that the bill (Com. Sub. for S. B. 496) contained in the preceding report from the Committee on the Judiciary be taken up for immediate consideration and read a first time.

Which consent was not granted, Senator Rucker objecting.

Thereafter, on motion of Senator Takubo, the bill (Com. Sub. for S. B. 496) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr moved that the bill be referred to the Committee on Finance.

Following discussion and a point of inquiry to the President, with resultant response thereto,

The question being on the adoption of Senator Tarr's aforestated motion, and on this question, Senator Tarr demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Boley, Chapman, Clements, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Woodrum, and Blair (Mr. President)—22.

The nays were: Barrett, Caputo, Deeds, Hamilton, Maroney, Plymale, Queen, Stover, Takubo, Trump, Weld, and Woelfel—12.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Tarr's aforesated motion had prevailed.

Whereupon, Committee Substitute for Senate Bill 496 was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Com. Sub. for Senate Bill 568** (originating in the Committee on Education), Creating multi-tiered system for school absenteeism.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Com. Sub. for Senate Bill 568** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §18-8-2 and §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-4-702 of said code, all relating to student absences; amending criminal penalties imposed for failing to attend school without good cause; defining terms; requiring the State Board to implement a System of Support Plan to encourage and promote compulsory school attendance with implementation to be ensured by the county attendance director; requiring the school to make periodic meaningful contact with parents, guardians, or custodians of children who fail to attend school; removing requirement for attendance director and assistant directors to prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance; referring to existing school personnel reporting requirement applicable in certain cases pertaining to child neglect; and making referral for the development of a diversion program in truancy offense matters discretionary.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 568) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Com. Sub. for Senate Bill 575** (originating in the Committee on Health and Human Resources), Assisted Reproduction Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Com. Sub. for Senate Bill 575** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, §16-67-6, §16-67-7, §16-67-8, §16-67-9, §16-67-10, §16-67-11, §16-67-12, §16-67-13, §16-67-14, §16-67-15, §16-67-16, §16-67-17, § 16-67-18, and 16-67-19, all relating to assisted reproduction; defining terms; setting forth criteria to enter into gestational or genetic surrogacy agreement; requiring surrogacy agreement to be executed; setting forth process for agreement; setting forth content of agreement; setting forth effect of subsequent change in marital status in the agreement; setting forth exclusive and continuing jurisdiction of the court; providing for termination of the surrogacy agreement; providing for parentage as provided under the gestational surrogacy agreement; providing for inspection of documents; providing for parentage of deceased intended parent; providing for order of parentage; providing for the effect of the gestational surrogacy agreement; providing for the requirements to

validate a genetic surrogacy agreement; providing for termination of a genetic surrogacy agreement; providing for parentage under a validated genetic surrogacy agreement; providing for the effect of a non-validated genetic surrogacy agreement; providing for the parentage of the child in the event of a deceased parent in a genetic surrogacy agreement; providing for breach of a genetic surrogacy agreement; and declaring that the state will honor surrogacy agreements entered into in other jurisdictions and apply the law of that jurisdiction; creating the criminal offense of commercial surrogate brokering and establishing criminal penalties.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 575) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Com. Sub. for Senate Bill 583**, Relating to employer liability and damages in civil actions involving commercial motor vehicles.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 20, 2024;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 679** (originating in the Committee on the Judiciary), Regulating certain plant-based derivatives, hemp-derived cannabinoid products, and Kratom.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Com. Sub. for Senate Bill 679** (originating in the Committee on Finance)—A Bill to amend and reenact §11-16-23 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-12E-12 of said code; to amend and reenact §19-12F-1, §19-12F-3, §19-12F-4, §19-12F-7, §19-12F-8, §19-12F-9, and §19-12F-11 of said code; to amend said code by adding thereto a new section, designated §19-12F-9a; and to amend and reenact §60-7-13 of said code, all relating to regulation of select plant-based derivatives, including hemp-derived cannabinoid products and regulation of kratom; clarifying findings; defining terms; redirecting moneys from monetary penalties assessed by Commissioner of Agriculture to another fund; requiring permits to manufacture, process, distribute, offer to sell, and sell regulated products; prohibiting retailer from adding imposed tax as separate new charge; specifying regulatory authority of the Commissioner of Agriculture and the Alcohol Beverage Control Administration Commissioner; specifying funding requirements for nonintoxicating beer tax revenues; specifying application of the Administrative Procedures Act for certain contested cases; specifying application fees for certain permits; specifying requirements for business registration certificate, nexus, jurisdiction, and taxation relating to remote interstate sales and distribution; imposition of use tax; specifying maintenance of lists

by the Commissioner of Agriculture of permittees, approved products and entities, and persons who cease to be permitted; specifying labeling requirements; authorizing use of funds by the Commissioner of Agriculture and Alcohol Beverage Control Administration Commissioner; specifying application of Tax Commissioner's fee; authorizing memoranda of understanding and information sharing between Tax Commissioner, Commissioner of Agriculture, and Alcohol Beverage Control Administration Commissioner; specifying administrative sanctions; authorizing the Alcohol Beverage Control Administration Commissioner to enforce regulation of the product at the retail level; authorizing enforcement actions involving agents of the Alcohol Beverage Control Administration Commissioner and persons acting upon the request, direction, or control of law-enforcement agencies; clarifying Alcohol Beverage Control Administration Commissioner's authority over alcohol licensees selling kratom and hemp-derived cannabinoid products; and specifying transfer of excess Alcohol Beverage Control Enforcement Fund money.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 679) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 686**, Prohibiting actions for damages or attorney's fees in cases involving Board of Risk and Insurance Management.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 686) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 725**, Clarifying conditions for pretrial release and maximum bail amount for certain defendants.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 725** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-1C-1a and §62-1C-2 of the Code of West Virginia, 1931, as amended, all relating to pretrial release generally; clarifying right to pretrial release; clarifying maximum bail amount for charges for multiple misdemeanor offenses; defining terms; establishing that defendant has right to select method of securing bail; clarifying that personal recognizance bonds shall include an unsecured monetary amount; prohibiting magistrate from setting cash only or property only bail; authorizing judicial officer to impose reasonably necessary conditions to assure defendant will appear as required, including releasing defendant on his or her own recognizance; clarifying that a magistrate may not release a defendant charged with a felony offense or specified misdemeanors on his or her own recognizance on initial appearance; and making technical corrections.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 725) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Com. Sub. for Senate Bill 751**, Creating online charitable raffles.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 19, 2024;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 786**, Relating to massage therapy establishments.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 786** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-37-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-7-14, all relating to changing the date that massage therapy establishments are required to be licensed; setting a maximum license fee; authorizing the executive director of the board to issue an emergency order suspending the operations of a massage therapy establishment under certain conditions; establishing reasonable cause for inspection; setting forth requirements for emergency orders; requiring issuance of a complaint describing required compliance measures; setting forth prohibitions regarding massage establishments under an emergency order; providing penalties for certain violations; and providing for appeals.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 786) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 791**, Modifying membership requirements of Medical Services Fund Advisory Council.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 791** (originating in the Committee on Finance)—A Bill to amend and reenact §9-4-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §9-5-34, all relating to Medicaid; modifying the membership requirements of the Medical Services Fund Advisory Council; augmenting its purpose; requiring that it employ an actuary; requiring certain actions from the Commissioner for the Bureau for Medical Services; and addressing the six-year plan to mitigate long-term financial liabilities.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 791) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 805**, Modifying Medicaid reimbursements for services at residential substance abuse treatment facilities.

And reports back a committee substitute for same with the following title: